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219-1.1 Definitions.

(a) For the purpose of this Part and each of the Subparts of this Part, the general definitions of Parts 200 and 201 of this Title apply.

(b) For the purpose of this Part, the following definitions also apply to Subpart 219-2 through Subpart 219-6:

(1) *Commercial waste*. Solid waste generated by stores, offices, institutions, restaurants, warehouses, and nonmanufacturing activities at industrial facilities.

(2) *Dioxin equivalent*. Any combination or mix of polychlorinated dibenzo-para-dioxins and polychlorinated dibenzo furans as defined in section 200.1(cx) of this Title.

(3) *Hospital*. Any facility which has an organized medical staff, maintains at least six inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of 24 hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuing medical supervision.

(4) *Hospital/medical/infectious waste incinerator or HMIWI or HMIWI unit*. Any device that combusts any amount of hospital waste and/or medical/infectious waste.

(5) *Hospital/medical/infectious waste incinerator operator or HMIWI operator*. Any person who operates, controls or supervises the day-to-day operation of an HMIWI.

(6) *Hospital waste*. Discards generated at a hospital, 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.

(7) *Incinerator*. Any structure or furnace in which the combustion of any amount of solid waste takes place alone or in conjunction with fossil fuel.

(8) *Medical/infectious waste*. Any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed below:

(i) Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

(ii) Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

(iii) Human blood and blood products including:

(a) liquid waste human blood;

(b) products of blood;

(c) items saturated and/or dripping with human blood; or

(d) items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category.

(iv) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agent, such as used slides and cover slips.

(v) Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

(vi) Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

(vii) Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in Part 371 of this Title; household waste, as defined in 40 CFR 261.4(b)(1) (see Table 1, section 200.9 of this Title); ash from incineration of medical/infectious waste once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for interment or cremation; and domestic sewage materials.

(9) *Municipal solid waste*. Solid waste discarded from single and multiple family dwellings and other residential sources, similar types of materials discarded from institutional, commercial and industrial sources, and comingled biosolids. Municipal solid waste does not include hazardous waste as defined in Part 371 of this Title.

(10) *Municipal solid waste incineration facility*. A facility that is owned, operated, or utilized by, or under contract with, a municipality or political subdivision and which utilizes high temperature thermal destruction technologies, including combustion for the recovery of thermal value or for the disposal of municipal solid waste.

Note:

A municipal solid waste incineration facility may also be an infectious waste incineration facility.

(11) *Pathological waste*. Waste material consisting of human and animal remains, anatomical parts, and/or tissue, the bags and containers used to collect and transport the waste material, and any incidental animal bedding.

(12) *Private solid waste incineration facility*. Any facility, other than a municipal solid waste facility, that processes municipal solid waste, or any fuels derived from municipal solid waste using thermal destruction technologies, with or without energy recovery.

(13) *Solid waste*.

(i) Except as described in subparagraph (iii) of this paragraph, discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, municipal, commercial, institutional, mining or agricultural operations or from residential activities including materials that are recycled or that may have value.

(ii) A material is considered discarded if it is spent, worthless, or in excess to the generator, and is:

(a) thermally, physically, chemically or biologically processed;

(b) disposed of through discharge, deposit, injection, dumping, spilling, leaking or placement into or on any land or water so that the material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water; or

(c) accumulated or transferred instead of or before being processed or disposed.

(iii) The following are not solid waste for the purposes of this Part:

(a) materials that are intended for reuse for their original function, without processing, such as materials at a garage sale, consignment shop, textile collection location or similar venue;

(b) materials that are incorporated into food products for human consumption;

(c) unadulterated wood generated from sources other than construction and demolition that is burned in campfires, ceremonial burns, cooking fires, wood stoves, or other similar uses;

- (d) any mixture of domestic sewage and other wastes that pass through a sewer system to a publicly or privately owned treatment works for treatment;
- (e) industrial wastewater discharges that are point source discharges subject to permits under Environmental Conservation Law (ECL) article 17;
- (f) irrigation return flows;
- (g) materials subject to in-situ mining techniques which are not removed from the ground as part of the extraction process;
- (h) crumb rubber;
- (i) materials that are used in accordance with a determination by the department pursuant to the provisions of section 360.12 of this Title;
- (j) materials that are used for artificial reefs in compliance with applicable water quality criteria;
- (k) material removed from the waters of the State and placed or disposed in compliance with a permit issued under ECL article 15, 24, 25, or 34 or a water quality certification issued under section 401 of the Federal Water Pollution Control Act to the extent that disposal of the material is regulated by such permit or certification. However, any disposal not regulated by such permit remains subject to regulation under Parts 360, 361, 362, 363, and 365 of this Title. Dredged or excavated material generated by a manufacturing or industrial process is industrial waste, and the treatment, storage, transfer, or disposal of the material is subject to regulation under Parts 360 to 365 of this Title; and
- (l) waste samples received at a laboratory or educational institution for analysis of constituents.

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219-1.2 Severability.

Each provision of this Subpart shall be deemed severable, and in the event that any portion of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.

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219-4.1 Definitions.

(a) For the purpose of this Subpart, the definitions of Subpart 219-1, Part 200, and Part 201 of this Title apply.

(b) For the purpose of this Subpart, the following definitions also apply:

- (1) *existing cremation unit*. An emission source used for the cremation of human or animal remains at a crematory facility that was constructed on or before the effective date of this Subpart;
- (2) *modified cremation unit*. An emission source used for the cremation of human or animal remains at a crematory facility that has been modified, as defined in section 200.1(aq) of this Title, after the effective date of this Subpart;
- (3) *new cremation unit*. An emission source used for the cremation of human or animal remains at a crematory facility for which an application for an air permit or registration, as described in Part 201 of this Title, was received by the department after the effective date of this Subpart;

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219-4.2 Applicability.

This Subpart applies to all new, modified, and existing cremation units used for the cremation of human and animal remains.

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219-4.3 Particulate emissions.

(a) No person may cause or allow emissions of particulates into the outdoor atmosphere from an existing cremation unit in excess of 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

(b) No person may cause or allow emissions of particulates into the outdoor atmosphere from a new or modified cremation unit in excess of 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

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219-4.4 Operating requirements.

- (a) No person may cause or allow emissions to the outdoor atmosphere having a six-minute average opacity of 10 percent or greater from any cremation unit.
- (b) The owner or operator of a cremation unit must maintain a one-hour average temperature of at least 1600 degrees Fahrenheit in the secondary combustion chamber, with a minimum residence time for combustion gases of at least one second, at all times remains are being cremated.
- (c) The owner or operator of a cremation unit subject to the requirements of this subpart must install, operate, calibrate, and maintain, in accordance with manufacturer's instructions, instruments for continuously monitoring and recording the temperature of the secondary (or last) combustion chamber.
- (d) No person may combust materials other than human and animal remains, their associated containers, pathological waste, and incidental animal bedding in any cremation unit subject to the requirements of this Subpart unless prior written authorization has been obtained from the department.
- (e) No person may cause or allow the combustion of human and animal remains in any cremation unit subject to the requirements of this Subpart unless a cremation certification form has been completed. Each cremation certification form shall contain the following information at a minimum:
- (1) the name, title, and affiliation of the person providing the remains for cremation;
 - (2) an attestation signed by the person providing the remains for cremation attesting that the remains and their container do not contain materials prohibited from being combusted by this Subpart;
 - (3) the name and signature of the person accepting the remains for cremation; and
 - (4) the date the remains were accepted for cremation.
- (f) No person may cause or allow remains to be charged at a crematory facility in excess of the manufacturer's rated hourly capacity of the cremation unit.

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219-4.5 Emissions testing and modeling.

- (a) Upon request by the department, the owner or operator of a crematory facility must demonstrate compliance with the requirements of this Subpart by either conducting onsite testing or submitting a representative stack test for an identical unit.
- (b) Onsite stack testing conducted to demonstrate compliance with subdivision (a) of this section must be conducted pursuant to a department approved testing protocol. The facility owner or operator must submit a testing protocol to the department at least 30 days prior to the commencement of testing pursuant to Part 202 of this Title.
- (c) Representative stack tests submitted to demonstrate compliance with subdivision (a) of this section must include the following information:
- (1) a letter signed by the facility owner or operator certifying that the test report being submitted is for an identical cremation unit;
 - (2) a copy of the testing protocol that was used;
 - (3) a description of the testing methods used, including any deviations from established reference test methods;
 - (4) a description of all quality assurance, data reduction, and any other operating practices followed; and
 - (5) testing results demonstrating compliance with the standards of this subpart in units of measurement identical to those described in this Subpart.
- (d) The department may require the owner or operator of a crematory facility submitting a representative stack test to perform a stack test if the submitted test protocol or report does not meet the department's standards for approval.
- (e) The department may require the owner or operator of a crematory facility to perform an air dispersion modeling analysis using procedures acceptable to the department to evaluate the impacts of the facility on the surrounding community.

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219-4.6 Operator training and certification.

(a) No cremation unit subject to the requirements of this subpart is permitted to operate unless it is operated under the onsite supervision of a person possessing a valid crematory operator certification issued by the department.

(b) Crematory operator certifications issued pursuant to this section shall be valid for a period of five years from the date of issuance.

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219-4.7 Inspection and maintenance.

The owner or operator of a crematory facility must inspect each cremation unit at that facility at least once per calendar year. The facility owner or operator shall perform all necessary repairs and routine maintenance in order to ensure that each cremation unit, monitoring device, and control device is operated and maintained in accordance with manufacturer's instructions.

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219-4.8 Recordkeeping requirements.

- (a) The owner or operator of a crematory facility must maintain the following records at the facility for a period of at least five years:
- (1) continuous temperature monitoring records indicating the date and time of each cremation performed;
 - (2) operator training and certification records for all operators at the facility;
 - (3) a record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them;
 - (4) a record of any maintenance performed on each cremation unit, including the annual inspection required by section 219-4.7 of this Subpart, and the routine replacement of parts and components; and
 - (5) a copy of each cremation certification form created pursuant to section 219-4.4(e) of this Subpart.
- (b) The owner or operator of a crematory facility must maintain the following records at the facility for the lifetime of each cremation unit installed at the facility:
- (1) manufacturer's operating instructions for each cremation unit and any associated monitoring equipment or emissions controls; and
 - (2) a copy of the most recent stack test submitted to the department in order to demonstrate compliance with this Subpart.
- (c) The owner or operator of a crematory facility must make all records kept pursuant to this section available to the department upon request.

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219-4.9 Compliance schedule.

(a) The owner or operator of an existing cremation unit shall:

(1) obtain appropriate operator certifications, as described in section 219-4.6 of this Subpart, within 12 months of the effective date of this Subpart for each uncertified operator at the facility;

(2) demonstrate compliance with the requirements of this Subpart no later than 60 months from the effective date of this Subpart. A demonstration of final compliance shall include the following information for each existing cremation unit:

(i) an emissions testing report, as described in section 219-4.5 of this Subpart, indicating that each existing cremation unit meets the particulate matter limitation specified in section 219-4.3(a) of this Subpart;

(ii) documentation indicating that each existing cremation unit is capable of meeting the requirements of this Subpart; and

(iii) documentation of the certification status of each operator at the facility;

(3) the owner or operator of an existing cremation unit may submit a written request for a single extension to the deadline described in paragraph (2) of this subdivision. The request shall describe in detail the circumstances necessitating the extension and shall propose a projected final compliance date. The department, in its sole discretion, shall approve or deny the request on a case by case basis.

(b) For existing cremation units that cannot meet the requirements of this Subpart, the owner or operator shall submit a written plan to the department that describes the proposed schedule for the replacement or removal of the affected cremation unit within 60 days of becoming aware that it cannot meet the requirements of this Subpart.

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6 CRR-NY 219-4.10
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PART 219. INCINERATORS
SUBPART 219-4. HUMAN AND ANIMAL CREMATORIES

6 CRR-NY 219-4.10
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219-4.10 Severability.

Each provision of this Subpart shall be deemed severable, and in the event that any portion of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.

6 CRR-NY 219-4.10
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Subpart 219-10 Reasonably Available Control Technology (Ract) For Oxides Of Nitrogen (Nox) At Municipal And Private Solid Waste Incineration Units

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PART 219. INCINERATORS
SUBPART 219-10. REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) FOR OXIDES OF NITROGEN
(NO_x) AT MUNICIPAL AND PRIVATE SOLID WASTE INCINERATION UNITS

6 CRR-NY 219-10.1

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219-10.1 Applicability.

This Subpart applies to all new, modified and existing municipal and private solid waste incineration units.

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(NO_x) AT MUNICIPAL AND PRIVATE SOLID WASTE INCINERATION UNITS

6 CRR-NY 219-10.2

6 CRR-NY 219-10.2

219-10.2 Control requirements.

(a) No owner or operator of a municipal or private solid waste incineration unit shall cause or allow emissions of NO_x from any municipal or private solid waste incineration unit in excess of the applicable limit in table 1 of this Subpart on a 24-hour arithmetic average basis, excluding periods of start-up, shutdown, and malfunction.

Table 1 – 24-Hour Average NO_x Emission Limits

Combustion Technology	NO _x Emission Limit (ppmv, dry corrected to 7% oxygen)
Mass Burn Waterwall	150
Rotary Combustor	170
Other Technologies	*

*See subdivision (c) of this section

(b) No owner or operator of a municipal or private solid waste incineration facility shall cause or allow emissions of NO_x from any municipal or private solid waste incineration unit in excess of the applicable limit in table 2 of this Subpart on an annual rolling average basis, excluding periods of start-up, shutdown, and malfunction.

Table 2 – Annual Average NO_x Emission Limits

Combustion Technology	NO _x Emission Limit (ppmv, dry corrected to 7% oxygen)
Mass Burn Waterwall	150
Rotary Combustor	150
Other Technologies	*

*See subdivision (c) of this section

(c) The owner or operator of a municipal or private solid waste incineration unit that employs a combustion technology not listed in table 1 or table 2 of this section shall develop and propose a facility specific 24-hour and annual average NO_x emission limitation. A proposal prepared pursuant to this Subdivision shall consider:

- (1) the available NO_x control technologies, the projected effectiveness of the technologies considered, and the costs for installation and operation for each of the technologies; and
- (2) the technology and the appropriate emission limit selected as RACT considering the costs for installation and operation of the technology.

(d) By June 30, 2021, the owner or operator of a facility subject to the requirements of this Subpart must submit to the department either a complete application for a permit that incorporates the requirements of this Subpart or a RACT analysis that explains why the control technology the facility currently employs should be considered RACT for that emission source.

(e) Any facility specific NO_x emissions limitation proposal made pursuant to subdivision (c) or (d) of this section that is approved by the department will be recorded in the relevant Title V facility permit as the applicable NO_x RACT requirement, and must be submitted to the administrator for approval as a separate SIP revision.

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6 CRR-NY 219-10.3

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219-10.3 Compliance demonstration.

(a) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall conduct an initial compliance demonstration within one year of the date of issuance of a permit modification issued pursuant to the requirements of this Subpart. The initial compliance demonstration shall be conducted using the continuous emissions monitoring system required by subdivision (b) of this section.

(b) The owner or operator of a municipal or private solid waste incinerator unit subject to this Subpart shall install, calibrate, maintain, and operate a continuous emission monitoring system for measuring oxides of nitrogen discharged to the atmosphere, and shall record the output of that system.

(c) Following the date that the initial compliance demonstration required by subdivision (a) of this section is completed, the owner or operator of a unit subject to this Subpart shall demonstrate compliance with the applicable 24-hour oxides of nitrogen emission limit using the 24-hour daily arithmetic average of the hourly emissions concentrations measured by the continuous emissions monitoring system.

(1) Each 1-hour average shall be:

(i) based on at least two data points collected during that hour; and

(ii) expressed in units of parts per million by volume on a dry basis and corrected to seven percent oxygen using the 1-hour arithmetic average oxygen continuous monitoring system data.

(2) Each 24-hour average shall be based on a minimum of 18 valid hourly averages.

(d) Following the date that the initial performance test required by subdivision (a) of this section is completed, the owner or operator of a unit subject to this Subpart shall demonstrate compliance with the applicable annual oxides of nitrogen emissions limit using a rolling 365 day average of the 24-hour daily arithmetic average emissions concentrations measured pursuant to subdivision (c) of this section.

(e) The owner or operator of a municipal or private solid waste incineration unit subject to this Subpart shall install, operate, calibrate, and maintain the continuous emissions monitoring system required by this section in accordance with all applicable performance specifications, test methods, and manufacturer's recommendations.

(f) The owner or operator of a municipal or private solid waste incineration unit that submitted a facility specific RACT plan as required by section 219-10.2(c) of this Subpart shall submit an application for a permit modification to incorporate the requirements of this Subpart, as described in Subpart 201-6 of this Title, to the department within 180 days of the department's approval of the facility specific RACT plan.

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6 CRR-NY 219-10.4
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219-10.4 Severability.

Each provision of this Subpart shall be deemed severable, and in the event that any portion of this Subpart is held to be invalid, the remainder of this Subpart shall continue in full force and effect.

6 CRR-NY 219-10.4

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