

**SUBCHAPTER 17. INCINERATORS  
PART 1. GENERAL PROVISIONS**

**252:100-17-1. Purpose**

The purpose of this ~~Subchapter~~ subchapter is to specify design and operating requirements and emission limitations for incinerators and ~~municipal waste combustors (MWC)~~.

**252:100-17-1.1. Reference to 40 CFR**

~~The purpose of this Subchapter is to control emissions from incinerators.~~ See 252:100-2.

**252:100-17-1.2. Terminology related to 40 CFR [REVOKED]**

~~When these terms are used in rules incorporated by reference, the following definitions shall apply:~~

~~———— "EPA Administrator" or "Administrator" is synonymous with "Executive Director" or "the Executive Director's designee".~~

~~———— "State" is synonymous with "Department of Environmental Quality" or "DEQ".~~

**PART 3. INCINERATORS**

**252:100-17-2. Applicability**

~~This Part part applies to new and existing incinerators that are not subject to New Source Performance Standards (NSPS) a 40 CFR Part 60 performance standard or any other Parts part in this Subchapter subchapter. Incinerators used to generate useful heat energy are also considered fuel-burning units or fuel-burning equipment and are subject to the applicable requirements of 252:100-19-12, 252:100-31 and 252:100-33 relating to such sources.~~

**252:100-17-2.1. Exemptions**

~~Thermal oxidizers, flares and any other air pollution control devices are exempt from the requirements of this Part part.~~

**252:100-17-2.2. Definitions**

~~The following words and terms when used in this Subchapter subchapter shall have the following meaning unless the context clearly indicates otherwise:~~

~~"Capacity" means amount the maximum design charging rate of refuse, in pounds per hour (lb/hr) or tons per day (T/D) of specified wastes a unit is an incinerator is designed to burn receive. Capacity may be expressed as pounds per hour or tons per day.~~

~~"Excess air" means air entering a combustion chamber in excess of the amount theoretically required to complete combustion of materials in the combustion chamber.~~

~~"Fly ash" means particulate matter capable of being gasborne or airborne consisting essentially of fused ash and/or burned or unburned material.~~

~~"Primary combustion chamber" means the initial incinerator chamber where waste refuse is charged, ignited and burned.~~

~~"Secondary burner" means a supplemental burner in the secondary chamber for the purpose of maintaining a minimum temperature and to insure the complete combustion of volatile gases and smoke.~~

~~"Secondary combustion chamber" means one or more combustion chamber(s) in addition~~

to the primary combustion chamber that function to fully burn gaseous and particulate materials suspended in the exhaust gases expelled from the primary combustion chamber. Each secondary combustion chamber must be equipped with a burner or other combustion device.

#### **252:100-17-4. Particulate matter**

~~Fly ash or other particulate~~ Particulate matter shall not exceed quantities greater than the allowable emission rate. The allowable emissions for incinerators with capacities of one hundred pounds per hour (100 lb/hr) or greater more are set forth in Appendix A of this Chapter. The allowable emissions for incinerators with capacities less than 100 lb/hr are set forth in Appendix B of this Chapter. Solid fuels charged will be considered part of the refuse weight. ~~No. 1 and No. 2 fuel oils (distillate oils), liquified petroleum gases, gaseous fuels and combustion air will not be considered as part of the refuse weight.~~

#### **252:100-17-5. Incinerator design requirements**

~~An incinerator subject to this Part must have:~~ part shall be designed and built with a primary combustion chamber equipped with a burner(s) that maintains a temperature of at least 800°F in the primary combustion chamber at all times when refuse is being incinerated, and a secondary combustion chamber that receives the hot waste gas stream from the primary combustion chamber.

- ~~(1) A primary burner that maintains a temperature of at least 800°F in the primary combustion chamber.~~
- ~~(2) A secondary burner that shall be used when necessary to eliminate smoke.~~

#### **252:100-17-5.1. Alternative incinerator design requirements**

~~Notwithstanding 252:100-17-5, The~~ the Director may approve an alternative incinerator design that does not meet the design requirements in 252:100-17-5, if the owner of the proposed incinerator demonstrates to the ~~DEQ~~ satisfaction of the Director that the incinerator ~~can~~ will comply with ~~all other applicable~~ the applicable requirements of 252:100-17-4, 252:100-19-12, 252:100-25, 252:100-31 and 252:100-33.

#### **252:100-17-7. Test methods**

- ~~(a) — **Opacity.** Opacity shall be measured utilizing Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources found in the Code of Federal Regulations at 40 CFR Part 60, Appendix A. This method is hereby incorporated by reference as it exists on July 1, 1997.~~
- ~~(b) — **Particulate matter.** Particulate matter shall be measured utilizing the appropriate DEQ-approved Method 5 found in the Code of Federal Regulations at 40 CFR Part 60, Appendix A. This method is hereby incorporated by reference as it exists on July 1, 1997. See 252:100-43.~~