

**SAN JOAQUIN VALLEY UNIFIED  
AIR POLLUTION CONTROL DISTRICT  
COMPLIANCE DEPARTMENT**

**COM 2100**

**APPROVED:** \_\_\_\_\_ **SIGNED** \_\_\_\_\_ **DATE:** March 8, 2007  
**Jon Adams**  
**Director of Compliance**

**TITLE:** **RULE 4302 – INCINERATOR BURNING**

**SUBJECT:** **DETERMINATION OF COMPLIANCE WITH RULE 4302**

**OBJECTIVE:**

To establish a policy and the procedures for implementation of Rule 4302 – Incinerator Burning.

**PURPOSE:**

Rule 4302 controls air pollution by prohibiting the use of incinerators except for multiple-chamber incinerators or those found to be equally effective in controlling air pollution. This policy is meant to ensure that staff determines compliance while uniformly interpreting the requirements of the Rule during inspections.

**POLICY STATEMENT:**

District staff shall enforce Rule 4302 and permit conditions, if applicable, pertaining to the use of incinerators. Failure to comply with this rule and applicable permit conditions is a violation, which is subject to enforcement action. The goal of a successful compliance inspection is to ensure that the owner/operator has sufficient information and understanding of the Rule and any applicable permit conditions to maintain continued compliance, including remaining free from creating a nuisance.

## **I. GENERAL GUIDELINES**

- A. Definition of Multiple-Chambered Incinerator: any source operation, structure, or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.
- B. If an incinerator is not multiple-chambered, its use is prohibited until such time that an equivalency determination is made or it is retrofitted to meet the above definition. Parties that desire an equivalency finding should be directed to the Permit Services Department.
- C. The incineration of residential rubbish, as permitted by Rule 4103 (Open Burning), shall be conducted in accordance with the Uniform Fire Code.
- D. Complaints about incinerators creating odors and/or excess visible emissions are fairly common. These assignments will be given to the area inspector or an assigned back-up inspector and evaluated pursuant to this Policy.
- E. Permitted agricultural facilities may have an Authority-to-Construct (ATC) or a Permit-to-Operate (PTO) for an incinerator. In these cases, this equipment shall be inspected according to the Inspection Frequency Guidelines.
- F. Pre-Inspection Procedures: When performing a compliance inspection at a permitted facility, use the Inspection Summary form. For complaint follow-ups, use the complaint database for investigation information. Use appropriate safety equipment needed to conduct the inspection.

## **II. PERMIT REQUIREMENTS**

- A. Applicability
  - 1. If the facility is large enough that it surpasses the permitted threshold level for the number of applicable animals or contiguous acreage, then an Authority to Construct and Permit to Operate is required for the incinerator.
  - 2. Pathological incinerators such as those found at veterinary hospitals and clinics.

The provisions of the Rule apply to all facilities regardless of whether or not an Authority to Construct and Permit to Operate is required.

**B. Permit Exemptions**

1. An ATC or PTO is not required for agricultural operations where the number of animals or acreage are less than the applicable threshold amounts, however, a Conservation Management Practice Plan may be required. Questions regarding requirements can be directed to the District's Small Business Assistance staff.

**C. Violations**

A Notice of Violation (or Notice to Comply as allowed by policy) shall be issued for:

1. Lack of ATC/PTO, where a permit is required
2. Modifications made without an ATC, where a permit is required
3. Violations of ATC/PTO conditions. Typical ATC/PTO conditions are:
  - a. Public nuisance
  - b. Opacity greater than 20%
  - c. Plastic content limit of the charge
4. Violations of the requirements of Rule 4302 are:
  - a. Incinerator is single-chamber (no after-burner is present)
  - b. Equipment has not been found equivalent by the APCO to be as effective as a multiple-chamber incinerator

**III. INSPECTION PROCEDURES**

**A. General**

Upon arrival at a facility, contact the person in charge. Identify yourself and give the operator your business card. Advise the operator of the purpose of the inspection and explain that they will be advised of the results upon completion of the inspection.

The suggested inspection sequence is as follows:

1. Determine if there is a PTO or if one is required for the incinerator based on criteria listed above under Permit Requirements. If a permit is required, determine if the PTO is onsite and discuss the permit conditions with the representative. If a permit is required but has not been applied for, explain the procedure and give them the applicable information.
2. If a PTO is not required, explain to the owner/operator that they are still required to comply with the provisions of Rule 4302.

3. Determine if the incinerator is in use at the time of inspection. If so, observe the stack for visible emissions. If visibles are observed, conduct a Visible Emission Evaluation. To determine whether or not the unit is single or multi-chambered, ask the owner/operator for the manufacturer's specifications on the unit. If this information is not readily available, ask them to provide it. A re-inspection may be necessary when the unit is not operating.
4. If the incinerator is not in use, inspect the interior and attempt to determine if it is single or multi-chamber. If the incinerator is single-chambered, an exhaust stack with an after-burner may be required to be in compliance. The burden of proof shall be upon the operator.
5. If the incinerator is not multiple-chambered or is not fitted with an after-burner, refer to item 1(B) under General Guidelines.

**B. Equipment Identification**

Permit Services engineering evaluations generally describe permissible equipment and the associated District rules. Determine whether the equipment on site meets the specifications in the permit.

**V. POST-INSPECTION PROCEDURES**

The following elements should be covered with the owner/operator in a post inspection interview.

- A. Discuss overall condition of the incinerator.
- B. Review the Rule and advise the source of any upcoming rule changes.
- C. Review, if applicable, the ATC or PTO, including the need for proper posting of the permit and compliance with appropriate conditions. Discuss any permit conditions that appear to be incorrect.
- D. Review results of the equipment inspection.
- E. If applicable, issue the appropriate NOV/NTC and review compliance options.
- F. Advise the source of District procedures applicable to any new equipment or modifications to permitted equipment.
- G. Provide compliance assistance information as necessary, including how to obtain copies of the rule. Make appropriate recommendations to improve compliance and facilitate future inspections.