

Air Permits by Rule (PBR) Checklist
Title 30 Texas Administrative Code § 106.496
Air Curtain Incinerators
Texas Commission of Environmental Quality

Check the most appropriate answer and include any additional information in the spaces provided. If additional space is needed, please include an extra page and reference the rule number. The permit by rule (PBR) forms, tables, checklists, and guidance documents are available from the Texas Commission on Environmental Quality (TCEQ), Air Permits Division website at: www.tceq.texas.gov/permitting/air/nav/air_pbr.html.

This PBR ([§ 106.496](#)) requires registration with the TCEQ, in Austin before construction begins. Registration of the facility can be performed by completing [Form PI-7](#), "Registration for Permits by Rule," or [Form PI-7-CERT](#), "Registration and Certification for Permits by Rule." This checklist should accompany the registration form.

For additional assistance with your application, including resources to help calculate your emissions, please visit the Small Business and Local Government Assistance (SBLGA) webpage at the following link:
www.texasenvirohelp.org

Definitions:

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

- A. **Air curtain incinerator (ACI):** An incinerator that operates by forcefully projecting a curtain of air across an open chamber or pit in which combustion occurs. Incinerators of this type may be constructed above or below ground and with or without refractory walls or floor.
- B. **Clean lumber:** Wood or wood products that have been cut or shaped, including wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate, copper arsenate, pentachlorophenol, or creosote.
- C. **Emergency cleanup:** The removal and disposal of wastes resulting from events such as high winds, floods, and other events of nature that is necessary to protect public health and safety.
- D. **Land-clearing:** The removal of trees, brush, and other vegetative matter from agriculture, forest management, or land development.
- E. **Municipal solid waste sites:** Landfills that may burn on-site or off-site generated waste as specifically authorized by the executive director under [30 TAC § 330](#) of this title (relating to Permit Required)
- F. **Noncommercial industrial sites:** Locations at which on-site generated waste resulting from the processing or manufacturing of products may be burned. These industrial sites must be noncommercial, as limited by [30 TAC § 335.2\(d\)\(1\)](#) of this title (relating to Permit Required), and burn only on-site generated waste that results from the processing or manufacturing of products, and do not include sites that accept off-site generated waste for disposal or destruction.
- G. **Site:** One or more contiguous or adjacent properties that are under common control of the same person, or persons.

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Rule	Applicability
(a)	Will the ACI be used only for the burning of trees, clean lumber, and brush from land clearing? <input type="checkbox"/> YES <input type="checkbox"/> NO
(a)	Will the material burned come from land-clearing, right-of-way maintenance, emergency clean-up operations, noncommercial industrial sites, and municipal solid waste sites? <input type="checkbox"/> YES <input type="checkbox"/> NO
Rule	Scope
(b)	The ACI will be located at/for (pick one.)
	<input type="checkbox"/> Land Clearing Site <input type="checkbox"/> Non-commercial Industrial Site <input type="checkbox"/> Emergency Clean-up
	<input type="checkbox"/> Municipal Solid Waste Site <input type="checkbox"/> Land Clearing Public Right-of-Way
Rule	Operational Limits
(c)(1)	Will the ACI be located at least 300 feet from the closest property line and any other facility with an air permit, or any ACI operating under PBR? <input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(2)(A)	Will the ACI be located at the site operate no more than 600 hours in any rolling 12-month period? <input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(2)(B)	Will the portable ACI be temporarily located at a site and operate up to 180 consecutive calendar days or 600 hours, whichever occurs first, and removed from the site after ceasing operation? <input type="checkbox"/> YES <input type="checkbox"/> NO
Rule	Daily Operation
(c)(3)(A)	Will the daily burning commence no earlier than one hour after sunrise? <input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(3)(B)	Will the daily burning be completed on the same day, not later than one hour before sunset? <input type="checkbox"/> YES <input type="checkbox"/> NO
	<i>Note: At the end of the burn, embers shall not be flaming or smoking, and no additional fuel shall be added to the ACI.</i>
(c)(3)(C)	Will material added to the ACI be below the air curtain? <input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(3)(D)	Will an operator remain with the ACI at all times it is operating? <input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(3)(E)	Will the ACI blower remain on until the end of daily burning or until enough material is consumed so that any remaining material in the trench does not flame or cause smoke that exceeds the requirements of this section when the blower is turned off? <input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(3)(F)	Will material not being worked and material being stockpiled to be burned at a later date be kept at least 75 feet from the trench or fire box? <input type="checkbox"/> YES <input type="checkbox"/> NO

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Rule	Daily Operation (<i>continued</i>)	
(c)(4)(A)	Will visible emissions from the ACI, stockpiles, work areas, and any in-plant roads associated with the facility leave the property for a period exceeding 30 seconds in any six-minute period as determined by United States Environmental Protection Agency Test Method 22 ?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(4)(B)	Will best management practices be used to ensure that the ACI blower is operated in a manner to minimize smoke and ash becoming airborne?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(5)	Will the facility be operated in compliance with all requirements of this section?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(c)(6)	Upon notification by a representative of the commission or any local air pollution control program having jurisdiction that the ACI is not complying with the conditions of this section, will any additional material be added to the ACI until the facility returns to compliance?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Rule	Trench Burning	
(d)	Does this facility use a trench and air manifold fan system?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(d)(1)	At all times, will the trench be less than 12 feet wide, 35 feet long, and no less than 10 feet deep?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(d)(2)	Does the length of the trench exceed the length of the air manifold fan system?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(d)(3)	Will the walls of the trench be maintained such that they remain sufficiently vertical to maintain the air curtain?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(d)(4)	Will any ash left in the trench be completely covered with incombustible material and soil?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Rule	Firebox Burning	
(e)	Does the facility use an above-ground firebox and air manifold fan system?	<input type="checkbox"/> YES <input type="checkbox"/> NO
(e)(1)	Are the interior dimensions of the firebox not greater than 8 feet wide, 35 feet long, and at least 6 feet deep?	<input type="checkbox"/> YES <input type="checkbox"/> NO

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Rule	Firebox Burning
(e)(2)	Will the walls of the firebox be maintained such that they remain sufficiently vertical to maintain the air curtain? <input type="checkbox"/> YES <input type="checkbox"/> NO
(e)(3)	Is the length of the air blower manifold equal to the length of the firebox burning area? <input type="checkbox"/> YES <input type="checkbox"/> NO
(e)(4)	Will the firebox be equipped with refractory walls and above-fire air supply, and will it operate no more than 750 hours in any rolling 12-month period? <input type="checkbox"/> YES <input type="checkbox"/> NO
Rule	Ash Processing
(f)(1)(A)	Will all ash be removed from the ACI burning as necessary to maintain efficient combustion? <input type="checkbox"/> YES <input type="checkbox"/> NO
(f)(1)(B)	Will the ash be removed in such a way that ash dust is minimized during handling? <input type="checkbox"/> YES <input type="checkbox"/> NO
(f)(1)(C)	Will ash be completely extinguished (not smoldering) before being disposed of or placed in contact with combustible material, and stored so no fire hazard is created? <input type="checkbox"/> YES <input type="checkbox"/> NO
(f)(2)	Which one of the following methods will be used to dispose of the ash? <input type="checkbox"/> YES <input type="checkbox"/> NO
	Will ash be disposed of by being buried on-site in the ACI trench, be deed recorded, and will a copy of the document be provided to the executive director as required by 30 TAC § 330 (relating to Deed Recordation)? <input type="checkbox"/> YES <input type="checkbox"/> NO
	Will ash be disposed of by sending it to a Type I landfill and be containerized with no hot coals? <input type="checkbox"/> YES <input type="checkbox"/> NO
	If ash is being disposed of by beneficial use, has it been determined to be acceptable by the executive director in accordance with 30 TAC § 330 ?
(f)(2)	Indicate the acceptable beneficial use:
	<i>Note: If you have not determined if ash is being disposed of by an acceptable beneficial use, please call the TCEQ Air Permits Division at 512-239-1250.</i>
Rule	Other Applicable Rules and Regulations
(g)(1)-(2)	Do you understand that authorization under this section does not exempt the ACI from any local government regulations or other local government requirements, permits, registrations, or other authorizations required by local authorities, or compliance with any additional state air regulations, state waste regulations, or state water regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO

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Rule	Other Applicable Rules and Regulations
	Note: <i>It is recommended that the owner or operator of the incinerator contact the city, county, or other local government and/or the local fire marshal to determine if there are any additional requirements or burn bans in effect that may apply to the facility.</i>
(g)(3)	For a permanent ACI, is the unit used for Commercial and Industrial Solid Waste Incineration? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
	<i>If "YES," commercial and industrial solid waste incinerators must address the applicability of 40 CFR Part 60, NSPS Subpart CCCC, Standards of Performance for Commercial and Industrial Solid Waste Incineration Units for Which Construction is Commenced after November 30, 1999, or for Which Modification or Reconstruction is Commenced on or After June 1, 2001 (as published in the December 1, 2000, issue of the Federal Register).</i>
	<i>If "YES," proceed to the next section.</i>
	Note: <i>Commercial and Industrial Solid Waste Incinerators must demonstrate compliance with this federal regulation, including initial stack sampling, opacity reading, reporting, and record keeping</i>
(g)(4)(A)	For an ACI located at a landfill site, is a separate waste authorization under 30 TAC § 330 (relating to Permit Required) being obtained? <input type="checkbox"/> YES <input type="checkbox"/> NO
(g)(4)(A)	Will the below-ground ACI at a landfill site be located in undisturbed soil not previously excavated, built up, compacted, or used in any type of active landfill operation? <input type="checkbox"/> YES <input type="checkbox"/> NO
(g)(4)(B)	Do you understand that compliance with all the requirements of this PBR will serve as authorization to store, process, remove, and/or dispose of the ash resulting from the operation of an ACI? <input type="checkbox"/> YES <input type="checkbox"/> NO
(g)(5)	Do you understand that nothing in this section removes the responsibility of the owner/operator from obtaining any necessary authorization under 30 TAC Chapter 308 of this title (relating to Criteria and Standards for the National Pollutant Discharge Elimination System)? <input type="checkbox"/> YES <input type="checkbox"/> NO
Rule	Administrative Requirements
(h)(1)	Will multiple ACIs, or multiple locations of a single ACI, at a given site meet all design requirements, operating restrictions, and the cumulative annual hourly limitation? <input type="checkbox"/> YES <input type="checkbox"/> NO
(h)(2)(A)	Is this an initial registration including checklist, Core Data Form, and PI-7 Form? <input type="checkbox"/> YES <input type="checkbox"/> NO

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Rule	Administrative Requirements <i>(continued)</i>
(h)(2)(B)	Is this a re-registration due to a Notice of Enforcement including checklist, Core Data Form and PI-7 Form? <input type="checkbox"/> YES <input type="checkbox"/> NO
(h)(2)(C)	For an emergency clean-up operation only, was the Regional Notification Standard Permit/Permit by Rule Relocation Form submitted to the Regional Office and local air pollution control program? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
(h)(2)(D)	Is this a registration renewal including checklist, Core Data Form and PI-7 Form? <input type="checkbox"/> YES <input type="checkbox"/> NO
(h)(3)(B)	For relocation notification, was the Regional Notification Standard Permit/Permit by Rule Relocation Form submitted to the Regional Office and local air pollution control program at least 14 days prior to proposed operation? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A
	<i>If "YES," the relocation notification must be sent to the Regional Director with this checklist attached to a Core Data Form.</i>
(h)(4)	Will records be kept to demonstrate compliance with the permit by rule conditions listed above? <input type="checkbox"/> YES <input type="checkbox"/> NO
(h)(4)(A)	Is the ACI equipped with a run time meter and a written record or log of the hours of operation of the ACI maintained at this site and made available at the request of personnel from the commission or any air pollution control program having jurisdiction? <input type="checkbox"/> YES <input type="checkbox"/> NO
(h)(4)(B)	Will records be kept to demonstrate compliance with all operational or location requirements? <input type="checkbox"/> YES <input type="checkbox"/> NO
	<i>Note: These records must include a copy of the return receipt demonstrating notification to the appropriate regional office and local air pollution control programs having jurisdiction, and plot plans showing distance limits are met. For portable facilities once relocated to a new site, records will be maintained at a central location for a two-year rolling period.</i>
(h)(4)(C)	Will a copy of the PBR rule and any operating instructions be kept at the burn site, followed by owners or operators and be made available at the request of personnel from the commission or any local air pollution control program having jurisdiction? <input type="checkbox"/> YES <input type="checkbox"/> NO
(h)(4)(D)	Will the ACI unit be clearly and permanently marked with the regulated entity (preferred) or account identification number on the fan manifold or aboveground unit? <input type="checkbox"/> YES <input type="checkbox"/> NO

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- [Form PI-7 \(Registration for Permits by Rule\)](#)
- [Core Data Form](#) (See: [Instructions for completing the Core Data Form](#))
- [Regional Notification Standard Permit/Permit by Rule Relocation Form](#) (Only complete this form if you are relocating an ACI that has been previously registered with the TCEQ within the past five years. If you are providing notification of relocation, you only need to notify the [TCEQ Regional Office](#) and any local air control program in the region in which the ACI will be located.)

For questions about completing forms or about rule requirements, please call (512) 239-1250.

Record Keeping: In order to demonstrate compliance with the general and specific requirements for this PBR, the owner or operator of the ACI, at a minimum, must meet the following requirements:

- A. The ACI must be equipped with a run time meter. A written record or log of the hours of operation of the ACI must be maintained at the site and made available at the request of personnel from the commission or any air pollution control program having jurisdiction. This run time record or log must be organized such that compliance with the requirements of this section can be readily determined.
- B. Records must be kept to demonstrate compliance with all operational or location requirements of this section. These records must include a copy of the return receipt demonstrating notification to the appropriate regional office and local air pollution control programs having jurisdiction, and plot plans showing distance limits are met. For portable facilities, once relocated to a new site, records must be maintained at a central location for a two-year rolling period.
- C. A copy of this section and any operating instructions must be kept at the burn site and must be followed by the owners or operators and must be made available at the request of personnel from the commission or any local air pollution control program having jurisdiction.
- D. The ACI must be clearly and permanently marked with the regulated entity (preferred) or account identification number on the fan manifold or aboveground unit.

In addition, the required record keeping in accordance with [30 TAC § 106.8](#) may be based upon one time calculations, monitoring devices, data sets, or periodic calculations based upon actual production. If you have any question about the type of records that should be maintained, contact the Air Program in the [TCEQ Regional Office](#) for the county in which the site is located.

Recommended Calculation Method: In general, air emissions estimates are not required during a PBR registration review for this facility. However, in order to demonstrate compliance with the general requirements for PBRs, the registrant may be asked to estimate air emissions during an investigation. These estimates can be made by compiling the required records. If sufficient records are maintained on-site and requirements are being met, the applicant and the TCEQ will be able to establish these emission rates if needed.