

TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 11 ALBUQUERQUE - BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
PART 69 PATHOLOGICAL WASTE DESTRUCTORS

20.11.69.1 ISSUING AGENCY: Albuquerque - Bernalillo County Air Quality Control Board. P.O. Box 1293, Albuquerque, NM 87103. Telephone: (505) 768-2601.
[5/13/92; . .12/1/95; 20.11.69.1 NMAC - Rn, 20 NMAC 11.69.I.1, 10/1/02; A, 10/13/09]

20.11.69.2 SCOPE:

A. The requirements of 20.11.69 NMAC apply to the owner or operator of any pathological waste destructor (PWD).

B. EXEMPT: 20.11.69 NMAC does not apply to sources within Bernalillo county which are located on Indian lands over which the Albuquerque - Bernalillo County Air Quality Control lacks jurisdiction.
[5/13/92; 20.11.69.2 NMAC - Rn, 20 NMAC 11.69.I.2, 10/1/02]

20.11.69.3 STATUTORY AUTHORITY: 20.11.69 NMAC is adopted pursuant to the authority provided in the New Mexico Air Quality Control Act, NMSA 1978 Sections 74-2-4, 74-2-5.C; the Joint Air Quality Control Board Ordinance, Bernalillo County Ordinance 94-5 Section 4; and the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994 Section 9-5-1-4.
[5/13/92, 12/1/95; 20.11.69.3 NMAC - Rn, 20 NMAC 11.69.I.3, 10/1/02]

20.11.69.4 DURATION: Permanent.

[12/1/95; 20.11.69.4 NMAC - Rn, 20 NMAC 11.69.I.4, 10/1/02]

20.11.69.5 EFFECTIVE DATE: December 1, 1995, unless a later date is cited at the end of a section.

[12/1/95; 20.11.69.5 NMAC - Rn, 20 NMAC 11.69.I.5 & A, 10/1/02]

20.11.69.6 OBJECTIVE: To assure that the citizens of Bernalillo county are not needlessly exposed to infectious or toxic substances in the air, which pathological waste destructors, might otherwise emit.

[5/13/92; 20.11.69.6 NMAC - Rn, 20 NMAC 11.69.I.6, 10/1/02; A, 10/13/09]

20.11.69.7 DEFINITIONS: In addition to the definitions in 20.11.69.7 NMAC the definitions in 20.11.1 NMAC apply unless there is a conflict between definitions, in which case the definition in 20.11.69 NMAC shall govern.

A. "Charging capacity" means the pathological waste destructor manufacturers or designers rated capacity expressed in terms of pounds per hour (lb/hr).

B. "Charging rate" means the actual rate at which the subject unit is burning waste at a given point in time expressed in terms of pounds per hour (lb/hr).

C. "Chemotherapeutic waste" means all wastes resulting from the production or use of anti-neoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic wastes shall not include any waste containing anti-neoplastic agents that are listed as hazardous waste.

D. "Continuous emission monitor" means the total equipment required to sample and analyze emissions or process parameters on a continuous basis.

E. "DSCF" means dry standard cubic foot with standard conditions being a temperature of 68 degrees F and a pressure of 29.92 inches Hg.

F. "DSCM" means dry standard cubic meter with standard conditions being a temperature of 68 degrees F and a pressure of 29.92 inches Hg.

G. "gr" means grains.

H. "Hazardous waste" means hazardous waste as defined in 40 CFR Part 261.3 as amended.

I. "Infectious waste" means a limited class of substances that carry a significant risk of transmitting disease, including but not limited to:

(1) microbiology laboratory wastes, including cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate and mix cultures;

(2) pathological wastes, including human or animal tissues, organs and body parts, removed during surgery, autopsy or biopsy;

- (3) disposable equipment, instruments, utensils, and other disposable materials which require special precautions because of contamination by highly contagious diseases;
- (4) blood and blood products, including waste blood, blood serum, plasma and blood products;
- (5) contaminated sharps, including contaminated hypodermic needles, syringes, scalpel blades, Pasteur pipettes and broken glass; and
- (6) contaminated animal carcasses, body parts and bedding, especially those intentionally exposed to pathogens in research, in the production of biologicals or the “in vivo” testing pharmaceutical.

J. “mg” means milligrams.

K. “ng” means nanogram.

L. “Opacity” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

M. “Operation” means the acts of ash removal, preheating of combustion unit, waste loading, combustion, burn down and cool down.

N. “Pathological waste” means infectious wastes, chemotherapeutic wastes; wastes generated in health care facilities, medical laboratories and veterinary clinics that require special handling. Chemotherapeutic waste means all wastes resulting from the production or use of anti-neoplastic agents used to stop or reverse the growth of malignant cells excluding those listed as hazardous wastes. Specifically excluded from this definition are human or animal remains consisting of cadavers, carcasses, tissues, organs and/or body parts covered under 20.11.68 NMAC, Incinerators and crematories.

O. “Pathological waste destructors” means any equipment, which is used to dispose of pathological waste by combustion.

P. “PCDD/PCDF” means total tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzo furans.

Q. “Shutdown” means the cessation of all waste charging operations.

R. “Startup” means the setting into operation of any air pollution control equipment, process equipment or process for any purpose except routine phasing in of equipment.

S. “Total charging capacity” means the aggregate of all charging capacities of all pathological waste destructors located at a facility.

T. “Unit” means a combustion device otherwise called a pathological waste destructor.

[5/13/92. . .12/1/95; 20.11.69.7 NMAC - Rn, 20 NMAC 11.69.I.7, 10/1/02]

20.11.69.8 VARIANCES: [Reserved]

[12/1/95; 20.11.69.8 NMAC - Rn, 20 NMAC 11.69.8, 10/1/02]

20.11.69.9 SAVINGS CLAUSE: Any amendment to 20.11.69 NMAC, which is filed, with the State Records Center shall not affect actions pending for violation of a city or county ordinance, Air Quality Control Board Regulation 39, or 20.11.69 NMAC. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the statute, ordinance, Part, or regulation section in effect at the time the violation was committed.

[12/1/95; 20.11.69.9 NMAC - Rn, 20 NMAC 11.69.I.9, 10/1/02]

20.11.69.10 SEVERABILITY: If any section, paragraph, sentence, clause, or word of 20.11.69 NMAC or any federal standards incorporated herein is for any reason held to be unconstitutional or otherwise invalid by any court, the decision shall not affect the validity of remaining provisions of 20.11.69 NMAC.

[12/1/95; 20.11.69.10 NMAC - Rn, 20 NMAC 11.69.I.10, 10/1/02; A, 10/13/09]

20.11.69.11 DOCUMENTS: Documents incorporated and cited in 20.11.69 NMAC may be viewed at the Albuquerque Environmental Health Department, 400 Marquette NW, Albuquerque, NM.

[12/1/95; 20.11.69.11 NMAC - Rn, 20 NMAC 11.69.I.11 & A, 10/1/02]

20.11.69.12 CONDITIONS:

A. A PWD may only be used to destroy pathological waste that has been generated at the site where the unit is located.

B. No one shall burn material marked with radiation symbols or material having a radioactivity level greater than background, in a unit subject to 20.11.69 NMAC.

C. Hazardous waste may not be burned in a unit subject to 20.11.69 NMAC.

D. No PWD shall be used to incinerate non-pathological waste.
[5/13/92; 12/1/95; 20.11.69.12 NMAC - Rn, 20 NMAC 11.69.I.12 & Repealed; 10/1/02; Rn, 20 NMAC 11.69.II.1, 10/1/02]

20.11.69.13 EMISSION LIMITS:

No owner or operator shall cause or allow exceedence of the following emission limits: (Particulate matter emissions are measured at 12 percent CO₂. All other emissions are measured at 7 percent O₂. Opacity shall never exceed 10 percent).

- (1) **For PWDs with a charging capacity of less than 200 lb/hr:**
 - (a) Particulate matter 0.08 gr/dscf
 - (b) Hydrogen chloride 4 lb/hr or 99 percent control, whichever is more stringent
 - (c) Carbon monoxide 60 mg/dscm
 - (d) PCDD/PCDF 500 ng/dscm
- (2) **For PWDs with a charging capacity of 200 lb/hr to 999 lb/hr** (For all metals except mercury, a cadmium surrogate emission limit of 50 µg/kg of waste burned may be used):
 - (a) Particulate matter 0.03 gr/dscf
 - (b) Hydrogen chloride 40 mg/dscm
 - (c) Carbon monoxide 60 mg/dscm
 - (d) PCDD/PCDF 5 ng/dscm
 - (e) Oxides of nitrogen 235 mg/dscm
 - (f) Sulfur dioxide 80 mg/dscm
 - (g) Arsenic 99 percent removal
 - (h) Beryllium 99 percent removal
 - (i) Cadmium 99 percent removal
 - (j) Chromium 99 percent removal
 - (k) Lead 99 percent removal
 - (l) Mercury 90 percent removal
- (3) **For PWDs with a charging capacity of greater than 100 lb/hr** (For all metals except mercury, a cadmium surrogate emission limit of 50 µg/kg of waste burned may be used):
 - (a) Particulate matter 0.015 gr/dscf
 - (b) Hydrogen chloride 40 mg/dscm
 - (c) Carbon monoxide 60 mg/dscm
 - (d) PCDD/PCDF 5 ng/dscm
 - (e) Oxides of nitrogen 235 mg/dscm
 - (f) Sulfur dioxide 80 mg/dscm
 - (g) Arsenic 99 percent removal
 - (h) Beryllium 99 percent removal
 - (i) Cadmium 99 percent removal
 - (j) Lead 99 percent removal
 - (k) Mercury 90 percent removal

[5/13/92; 20.11.69.13 NMAC - Rn, 20 NMAC 11.69.II.2, 10/1/02]

20.11.69.14 COMPLIANCE:

A. Compliance with the carbon monoxide (CO) emission limitation, for units required to have continuous CO monitoring, shall be determined by continuous emission monitor measurements calculated in 4-hour block averages. For units not equipped with continuous CO monitoring equipment, compliance shall be determined by manual tests as specified in 20.11.69.21 NMAC.

B. Compliance with particulate matter, sulfur dioxide, nitrogen dioxide, hydrogen chloride, PCDD/PCDF, and metals emission limitations shall be determined by manual tests as specified in 20.11.69.21 NMAC. For metals, the removal percentage is calculated as the percent difference between the measured concentrations at the inlet and outlet of the air pollution control system.

C. As surrogate for compliance with metals removal efficiency requirements, the owner or operator may comply with an emission limitation for cadmium (Cd) of 50 micrograms per kilogram of waste burned. The emission limit for cadmium cannot be used as surrogate for mercury.

D. Compliance with the opacity limit in Subsection A of 20.11.69.12 NMAC shall be determined by continuous emission monitor measurements and 40 CFR Part 60, Appendix A, Method 9 as amended, calculated in the form of 6-minute averages.

E. The owner or operator of a PWD with a total charging capacity of 400 pounds per hour or less may obtain a written exemption from the Albuquerque - Bernalillo county AQCB from the applicable emission limits set forth in 20.11.69.13 NMAC and may obtain a written exemption from the Albuquerque - Bernalillo county AQCB from emission monitoring requirements as stated in Paragraph (3), of Subsection A of 20.11.69.18 NMAC provided that:

(1) the owner or operator complies with the emission limits set forth in 20.11.69.12 NMAC for PWDs with a total charging capacity of less than 200 pounds per hour; and

(2) the owner or operator obtains a written exemption from the Albuquerque - Bernalillo county AQCB that contains a condition limiting the operation of such PWD to six hours in any one day. The violation of such an exemption condition shall be a violation of 20.11.69 NMAC.

[5/13/92; 20.11.69.14 NMAC - Rn, 20 NMAC 11.69.II.3, 10/1/02]

20.11.69.15 DESIGN REQUIREMENTS:

A. All units shall be equipped with a secondary combustion chamber, which provides turbulent mixing of the secondary air with the combustion gases. The secondary combustion chamber shall provide one second of residence time, measured from the point of maximum temperature considering design-specific furnace parameters including chamber volume, volumetric airflow rate, and excess air rate.

B. Primary combustion chamber temperature must be maintained at not less than 1400 degrees F.

C. Secondary combustion chamber temperature must be maintained at not less than 1800 degrees F.

D. Auxiliary burners must be designed to provide the required combustion chamber temperatures described in Subsections B and C of 20.11.69.17 NMAC without utilization of the heat content of the waste. The auxiliary burner fuel and the combustion air shall be controlled automatically to maintain the required temperatures.

E. The charging system of any unit must be designed to prevent disruption of the combustion process. Batch charged units must be equipped with a lockout mechanism to prevent charging after start-up. Units with automatic charging systems shall be equipped with a sealed feeding device to prevent combustion upsets during charging. The loading system shall be designed to prevent overcharging.

F. For batch charged units, waste shall be not ignited until the secondary chamber exit temperature is at 1800 degrees for at least fifteen minutes. Interlocks must prevent opening the charging door after ignition, until the burn-down and cool-down periods are complete.

G. For continuously charged units, an interlock system must automatically stop waste feeding if:

(1) the unit's secondary chamber temperature drops below 1800 degrees F for any 15-minute period;

or

(2) the carbon monoxide emissions, corrected to 7 percent O₂ on a dry basis are equal to or greater than 50 ppm by volume, for any 15-minute period.

[5/13/92; 20.11.69.15 NMAC - Rn, 20 NMAC 11.69.II.4, 10/1/02]

20.11.69.16 STACK HEIGHT REQUIREMENTS:

A. Exhaust stack height for all PWDs shall be determined as the greater of:

(1) $H_g = H + 1.5L$; where H_g =required stack height measured from the ground-level elevation at the base of the stack; H =Height of nearby structure(s) measured from the ground-level elevation at the base of the stack, and L =Lesser dimension, height or projected width, of nearby structure(s). Provided that the department may require the use of a field study or dispersion model to verify adequate stack height for the source; or

(2) The height demonstrated by a dispersion model or a field study approved by the department, which ensures that the emissions from the stack do not result in excessive concentration of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(3) The definitions in 40 CFR Sections 51.100(Z),(ff), and (hh)-(kk) (1987) as amended are hereby incorporated in 20.11.69 NMAC.

[5/13/92; 20.11.69.16. NMAC - Rn, 20 NMAC 11.69.II.5, 10/1/02]

20.11.69.17 OPERATING REQUIREMENTS:

A. The owner or operator of a PWD shall not manually charge the primary combustion chamber through doors open to the atmosphere while the unit is operating. Charging of waste for units other than batch units shall be by mechanical means, which prevents upsets in the burn cycle.

B. Each unit shall operate so that during shutdown the unit continues to meet applicable emission limitations and the secondary combustion chamber temperature is maintained at 1800 degrees F or above until the waste is completely burned.

C. Units utilizing control devices to attain emission limits must be designed such that the flue gas temperature at the outlet of the final control device does not exceed 300 degrees F unless a demonstration is made that an equivalent collection (removal) of heavy metals and toxic organics can be achieved at a higher temperature or through the use of alternate technologies.

[5/13/92; 20.11.69.17 NMAC - Rn, 20 NMAC 11.69.II.6, 10/1/02]

20.11.69.18 EMISSION MONITORING:

A. **Continuous emission monitors** (CEM)s shall be installed, calibrated, maintained, and operated, and shall continuously record data for the following:

(1) For PWDs with a total charging rate of 1000 pounds per hour or greater:

- (a) carbon monoxide (CO);
- (b) oxygen (O₂);
- (c) opacity.

(2) If an opacity monitor cannot be applied satisfactorily, alternate apparatus may be employed, on a case by case basis, with the written approval of the department, to demonstrate acceptable operation of the particulate removal device.

(3) For PWDs with a total charging capacity of less than 1000 pounds per hour:

- (a) oxygen (O₂);
- (b) carbon monoxide (CO).

B. The owner or operator of any unit shall install, calibrate, maintain and operate equipment to continuously record the temperature of gases leaving the primary and secondary combustion chambers and the outlet of the final air pollution control device, if present. Such equipment shall have an accuracy of plus or minus 0.75 percent of the temperature being measured expressed in degrees Celsius or plus or minus 2.5 degrees C, whichever represents greater accuracy. Sensors shall be located so that flames from the burners do not impinge on the sensors.

C. At least ninety days prior to initial startup, the owner or operator shall submit a report the department which describes, for each monitor, the location, specifications, calibration procedures, operation, maintenance, data evaluation, and reporting. Monitoring equipment shall not be installed prior to department approval of the report.

D. The continuous emission monitors for oxygen (O₂) and carbon monoxide (CO) shall complete a minimum of one operation cycle for each successive 15-minute period. One-hour averages shall be calculated from four (4) or more data points equally spaced over each one-hour period.

E. The continuous opacity monitor shall complete a minimum of one operational cycle for each successive ten-second period. Six-minute averages shall be calculated from thirty-six or more data points equally spaced over each six-minute period.

F. Data recorded during periods of continuous emission monitor breakdown; repairs, calibration checks, and zero and span adjustments shall not be included in calculated data averages.

G. Emission data capture rate for each continuous emission monitor must be a minimum of 75 percent of all operational hours for each twenty-four hour period beginning at midnight. Failure to meet this data capture requirement shall cause the pathological waste destructor to be shutdown as required by 20.11.69.19 NMAC.

H. The owner or operator shall ensure that each continuous emission monitor meets the requirements of 40 CFR Part 60, Appendix F Quality Assurance Procedures as amended and shall submit to the department, all reports specified in this Part. The required reports shall be submitted quarterly.

[5/13/92; 20.11.69.18 NMAC - Rn, 20 NMAC 11.69.II.7, 10/1/02]

20.11.69.19 CONTINUOUS EMISSION MONITOR MALFUNCTION: Whenever any required continuous emission monitor cannot meet the data capture requirement of Subsection G of 20.11.69.18 NMAC, and the owner or operator does not obtain the required data from an alternate monitor or test method, the PWD shall cease operation until it can comply with Subsection G of 20.11.69.18 NMAC.

[5/13/92; 20.11.69.19 NMAC - Rn, 20 NMAC 11.69.II.8, 10/1/02]

20.11.69.20 CEM PERFORMANCE EVALUATION:

A. During or within thirty days of the emission tests required by 20.11.69.21 NMAC, the owner or operator shall conduct a performance evaluation of each continuous emissions monitor in accordance with the procedures of 40 CFR Part 60, Appendix B - Performance Specification as amended.

B. The performance evaluation required by Subsection A of 20.11.69.20 NMAC shall be repeated on an annual basis or after any major equipment malfunction which requires component replacement, or at additional times when the department has reason to believe the monitor performance is inadequate.

C. The owner or operator shall provide at least thirty days prior notice to the department before conducting any performance evaluation.

D. A written report of each performance evaluation shall be furnished to the department within thirty days from the end of the test period.

[5/13/92; 20.11.69.20 NMAC - Rn, 20 NMAC 11.69.II.9, 10/1/02]

20.11.69.21 EMISSION TESTING:

A. Within sixty days of first achieving the maximum charging rate, but not more than one hundred eighty days from the date of initial startup, the first annual performance test shall be conducted.

B. The owner or operator of any PWD that has a charging capacity of less than 200 pounds per hour shall conduct an annual performance test to demonstrate compliance with the emission standards for particulate matter (PM), carbon monoxide (CO) and hydrogen chloride (HCI).

(1) The initial performance test for units subject to Subsection B of 20.11.69.20 NMAC shall include PCDD/PCDF and the following metals:

- (a) arsenic and compounds (expressed as arsenic)
- (b) beryllium and compounds (expressed as beryllium)
- (c) cadmium and compounds (expressed as cadmium)
- (d) chromium and compounds (expressed as chromium)
- (e) lead and compounds (expressed as lead)
- (f) mercury and compounds (expressed as mercury)

(2) The required performance test for PCDD/PCDF and metals shall be conducted once, provided that PCDD/PCDF and metals emission test results indicate compliance with the standard set forth in Subsection A of 20.11.69.13 NMAC.

C. The owner or operator of any PWD with a charging capacity of 200 pounds per hour or greater shall conduct a performance test to demonstrate compliance with the standards for particulate matter (PM), carbon monoxide (CO), hydrogen chloride (HCI), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), total tetra-through octa-chlorinated dibenzo-para-dioxins and dibenzo furans (PCDD/PCDF);

(1) and the following metals:

- (a) arsenic and compounds (expressed as arsenic)
- (b) beryllium and compounds (expressed as beryllium)
- (c) cadmium and compounds (expressed as cadmium)
- (d) chromium and compounds (expressed as chromium)
- (e) lead and compounds (expressed as lead)
- (f) mercury and compounds (expressed as mercury)

(2) Source tests shall be conducted annually for the above specified pollutants.

(3) The owner or operator may apply to the department for a waiver of annual testing for a specific pollutant where performance testing has consistently shown emission rates for that pollutant which are less than those required in 20.11.69 NMAC, but in no case shall any required test be conducted less than once in every three years.

D. All performance testing shall be conducted at the design charging capacity using waste that is representative of normal operation while being operated by the facility operator.

E. The department may require additional testing if there is a reasonable basis to believe the facility is not in compliance with any provision of 20.11.69 NMAC or any applicable permit condition.

F. The department or its representative may conduct unscheduled emission tests at any time during operating hours of the facility.

[5/13/92; 12/1/95; 20.11.69.21 NMAC - Rn, 20 NMAC 11.69.II.10, 10/1/02]

20.11.69.22 TEST PROCEDURES:

A. Notice of the test date and a copy of the test protocol shall be submitted to the department at least thirty days prior to the actual test date.

B. A representative of the department shall be given the opportunity to be present during all emissions test required by 20.11.69 NMAC.

C. A written copy of all test results shall be furnished to the department within sixty days from the test date.

D. Emission tests shall be conducted utilizing the following methods:

- (1) for total particulate matter 40 CFR Part 60, Appendix A, Methods 1 - 5 as amended;
- (2) for PCDD/PCDF 40 CFR Part 60, Appendix A, Method 23 as amended;
- (3) for cadmium chromium, and lead 40 CFR Part 60, Appendix A., Methods 1 - 4 and 12 as

amended;

- (4) for arsenic 40 CFR Part 61, Appendix B, Method 108 as amended;
- (5) for beryllium 40 CFR Part 61, Appendix B, Method 104 as amended;
- (6) for mercury 40 CFR Part 61, Appendix B., Method 101A as amended;
- (7) for opacity 40 CFR Part 60, Appendix A, Method 9 as amended;
- (8) for hydrogen chloride 40 CFR Part 60, Appendix A, Method 26 as amended;
- (9) for carbon monoxide 40 CFR Part 60, Appendix A, Method 10 as amended;
- (10) for sulfur dioxide 40 CFR Part 60, Appendix A, Method 6 as amended; and
- (11) for nitrogen oxide 40 CFR Part 60, Appendix A, Method 7 as amended.

E. The owner or operator may use test methods other than those in Subsection D of 20.11.69.22 NMAC if the department has approved the alternate test method prior to the test date. The department shall rule on proposed alternate test method acceptability within thirty days of receipt of the proposal.

[5/13/92; 12/1/95; 20.11.69.22 NMAC - Rn, 20 NMAC 11.69.II.11, 10/1/02; A, 10/13/09]

20.11.69.23 QUARTERLY REPORT: The owner or operator shall submit a report containing the following information to the department within thirty days from the end of each calendar quarter:

A. The average hourly charging rate to each unit.

B. The thirty-minute average temperatures of the primary chamber, the secondary chamber, and the outlet from the final air pollution control device.

C. The hourly and four-hour average concentrations of carbon monoxide (CO) in mg/dscm, corrected to 7 percent O₂ as measured by continuous emission monitors.

D. The hourly average percent oxygen (O₂) and six-minute average opacity as measured by continuous emission monitors.

E. The percent data capture for each twenty-four hour period for each continuous emission monitor.

F. The identification of all periods of startup, shutdown, and excess emissions.

G. The reason for any excess emissions and the corrective action taken.

[5/13/92; 20.11.69.23 NMAC - Rn, 20 NMAC 11.69.II.12, 10/1/02]

20.11.69.24 RECORDS:

A. The owner or operator shall maintain records for a period of three years from the date created, for all parameters required in 20.11.69 NMAC and shall make them available upon request for inspection and copying by the department.

B. All information submitted to the department in quarterly reports or emission test reports, or any other information created or obtained by the department regarding the PWD shall be available during business hours at the department's offices for public inspection and copying. Table 1 of 20.11.69 NMAC summarizes reporting requirements and their respective due dates.

[5/13/92; 20.11.69.24 NMAC - Rn, 20 NMAC 11.69.II.13, 10/1/02]

20.11.69.25 UPSET CONDITION:

A. The provisions of 20.11.49 NMAC shall not apply to any PWD.

B. Whenever the temperature requirements of Sections 15 or 17 of 20.11.69 NMAC or any emission limit in 20.11.69.13 NMAC for which compliance is based on continuous emissions monitoring, is exceeded, the operator shall take the following actions:

(1) cut off waste charging to the combustion unit;

(2) notify the department verbally of the exceedence within four hours of its occurrence or prior to twelve noon of the next business day should the exceedence occur during non-business hours;

- (3) note in the operating record the time and date of the exceedence, when shutdown began, and when shutdown was complete;
 - (4) identify and correct the cause of the upset condition before resuming operation of the unit; and
 - (5) note in the operating record the corrective action taken and the time and date of startup.
- [5/13/92; 20.11.69.25 NMAC - Rn, 20 NMAC 11.69.II.14, 10/1/02; A, 10/13/09]

20.11.69.26 HANDLING, STORAGE, AND TRANSPORTATION OF ASH:

- A.** All handling and storage of fly ash and bottom ash shall be conducted in a closed system, which prevents ash from becoming airborne.
 - B.** Transporters of pathological waste destructor ash (PWD ash):
 - (1) shall not accept or transport PWD ash unless it has been treated or is securely covered to prevent release of fugitive dust; and
 - (2) shall line or seal vehicles to prevent any leakage of liquids.
 - C.** There shall be no visible emissions (0 percent opacity) resulting from handling, storage, or transportation of PWD ash. Compliance with this requirement shall be determined by visual observation as specified in 40 CRF Part 60, Appendix A, Method 9 as amended.
- [5/13/92; 20.11.69.26 NMAC - Rn, 20 NMAC 11.69.II.15, 10/1/02; A, 10/13/09]

20.11.69.27 OPERATOR CERTIFICATION:

- A.** A certified operator shall be present at the facility whenever waste is being burned. The facility employed, unit operator will control the operation of the pathological waste destructor during performance testing.
 - B.** All unit operators of their immediate supervisor on-site must have completed the certification training, as required and specified in the Training and Certification Procedures Document developed by the department pursuant to 20.11.69 NMAC and approved by the board.
- [5/13/92; 20.11.69.27 NMAC - Rn, 20 NMAC 11.69.II.16, 10/1/02]

20.11.69.28 COMPLIANCE SCHEDULE FOR EXISTING PATHOLOGICAL WASTE DESTRUCTORS:

- A.** PWDs in existence before the effective date of 20.11.69 NMAC must achieve full compliance with this regulation within ten (10) days of the effective date of 20.11.69 NMAC. Each owner or operator of an existing PWD who intends to permanently cease operating the unit shall remove the unit from the facility within thirty days of the effective date of 20.11.69 NMAC. The department shall be notified of the intent to cease operating within the ten (10) day period specified above. Each owner or operator of an existing PWD shall either demonstrate compliance with the requirements of 20.11.69 NMAC or seek an assurance of discontinuance from the department within the ten (10) day period specified above.
 - B. Assurances of discontinuance** shall contain the following:
 - (1) owner or operator's name and address;
 - (2) date of submittal;
 - (3) description of facility;
 - (4) description of the property upon which the facility is located;
 - (5) the following increments of progress:
 - (a) a date or dates by which contracts for each major phase of construction or installation of emission control systems, or process modification, or orders for their component parts, will be awarded;
 - (b) a date or dates of initiation of each major phase of on-site construction or installation of emission control equipment or process modification;
 - (c) a date or dates by which each major phase of on-site construction or installation of emission control equipment or process modification is to be completed; and
 - (d) a date or dates by which final compliance is to be achieved (no later than Nov 30, 1992 for < (less-than) 200pounds/hr units; or April 1, 1993 for single chamber units and ≥ (greater-than-or-equal-to) 200pounds/hr units);
 - (6) a detailed description of the methods or devices to be used to achieve compliance.
- [5/13/92; 20.11.69.28 NMAC - Rn, 20 NMAC 11.69.II.17, 10/1/02; A, 10/13/09]

20.11.69.29 TRAINING AND CERTIFICATION PROCEDURES DOCUMENT - PATHOLOGICAL WASTE DESTRUCTORS:

A. A certified pathological waste destructor (PWD) operator shall be present at the facility in which a PWD is located whenever waste is being burned. The facility-employed operator will control the operation of the PWD during performance testing.

B. All PWD operators or their immediate supervisor on-site must have completed the following certification training: Operator training shall include a program of study approved by the department. The owner or operator shall submit a proposed program of study to include the following:

- (1) proper waste handling;
- (2) identification of waste types acceptable for combustion;
- (3) PWD design and waste combustion theory;
- (4) proper PWD startup, operation, shutdown, and maintenance procedures; (these procedures must follow the PWD manufacturer's recommendations);
- (5) work safety procedures, including infectious disease control procedures for the facility;
- (6) applicable air pollution, solid waste, and wastewater management regulations;
- (7) air pollution control equipment operation and maintenance; and
- (8) a minimum of two (2) turn cycles of hands-on PWD operation under the supervision of another certified operator or the PWD manufacturer's representative.

C. Operator certification training shall include an annual review lasting at least eight hours. The required review may contain but shall not be limited to reviews of operation and maintenance procedures, topic specific conferences, manufacturer's updates, and regulatory updates. The content of the annual review shall be approved the department.

D. Every operator shall have visible proof of certification posted or filed the work area at the facility. [5/13/92. . .5/13/95; 12/1/95; 20.11.69.29 NMAC - Rn, 20 NMAC 11.69.II.18, 10/1/02]

20.11.69.30 PATHOLOGICAL WASTE DESTRUCTOR SUMMARY OF REPORTING REQUIREMENTS:

TABLE 1

Report/Description	Reference	Date due to Department
Notice of CEM performance evaluation.	Subsection C of 20.11.69.20 NMAC	At least 30 days prior to performance evaluation.
CEM performance evaluation.	Subsection D of 20.11.69.20 NMAC	Within 30 days from the end of the test period.
Notice of emission testing and test protocols.	Subsection A of 20.11.69.22 NMAC	At least 30 days prior to the actual test date.
Copy of emission test results.	Subsection C of 20.11.69.23 NMAC	Within 60 days from the test date.
Quarterly report of CEM and temperature monitoring results.	20.11.69.23 NMAC	Within 30 days of the end of each calendar quarter.
Notice of intent to cease unit operations.	Subsection A of 20.11.69.28 NMAC	Within 10 days of the effective date of this Part.
Compliance schedule/Assurance of Discontinuance	Subsection A of 20.11.69.28 NMAC	Within 10 days of the effective date of this Part.

[5/13/95; 20.11.69.30 NMAC - Rn, 20 NMAC 11.69.Table 1, 10/1/02]

HISTORY OF 20.11.69 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives.

Regulation No. 39, Pathological Waste Destructors, 6/16/92.

History of Repealed Material: [Reserved]

Other History: Regulation No. 39, Pathological Waste Destructors, (filed 6/16/92) was renumbered, reformatted, and amended into first version of the New Mexico Administrative Code as 20 NMAC 11.69, Pathological Waste Destructors, filed 10/27/95.

20 NMAC 11.69, Pathological Waste Destructors, (filed 10/27/95) was renumbered, reformatted, amended and replaced by 20.11.69 NMAC, Pathological Waste Destructors, effective 10/1/02.