

Small Business Environmental Assistance Program

NYS Pollution Prevention Institute

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New York Air Pollution Control Requirements for Crematories 6 NYCRR Subpart 219-4 (October 2022)

All human and animal crematory operations in New York State are required to comply with the requirements of New York State Department of Environmental Conservation (NYSDEC or DEC) Subpart 219-4 regulation to assure that the crematories (incinerators/retorts) achieve complete combustion of the human or animal remains by maintaining efficient high temperature combustion while keeping emission of air pollutants within established limits. Subpart 219-4 was revised in 2019 with an effective date of March 14, 2020.

This factsheet provides a general overview of air pollution control requirements for crematory operations including permitting, emissions standards, remains certification, prohibited materials, operator training and certification, compliance demonstration, furnace design and operation, inspection/maintenance requirements, temperature monitoring and calibration, and recordkeeping.

Permitting

Crematories are required to obtain an air permit or air facility registration from DEC. The Small Business Environmental Assistance Program (SBEAP) can assist with all phases of the permit/registration process including the preparation of emission calculations and the appropriate permit or registration application. New facilities must obtain a permit prior to construction. A permit must also be obtained before modifying* a facility.

Emission Standards

The six-minute average opacity must be maintained below 10 percent at all times.

For crematories constructed or modified* on or after March 14, 2020, emissions of particulate matter into the outdoor atmosphere must not exceed 0.05 grains per dry standard cubic foot of flue gas, corrected to 7% oxygen. For crematories constructed before March 14, 2020, emissions of particulate matter into the outdoor atmosphere must not exceed 0.08 grains per dry standard cubic foot of flue gas, corrected to 7% oxygen.

Cremation Certification

Nothing may be cremated without a cremation certification containing the following:

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 Subpart 219-4;
3. The name and signature of the person accepting the remains for cremation; and
4. The date the remains were accepted for cremation.

*Modifications include changes to furnace, air pollution control equipment beyond routine maintenance or a change which increases the opacity or hourly emissions rate. If you/a facility wish to make changes to your retort unit's functionality and are unsure if these changes constitute a modification contact SBEAP (Contact information at the top.)

Prohibited Materials

Other than human and animal remains, their associated containers, and incidental animal bedding, all other materials are prohibited unless written authorization from DEC is obtained.

Operator Training and Certification

Crematory facilities must be operated at all times under the **onsite** direction of a NYSDEC certified incinerator operator. Human and animal crematory operators are required to complete a training program that has been approved by NYSDEC. Human crematory operators must complete an in-person course, offered through the Crematory Association of North America <https://www.cremationassociation.org/page/COCP>. Animal crematory operators can complete this course or take a test provided by DEC. The training manual with the material required to pass the test is found at <https://www.dec.ny.gov/chemical/71624.html>

Compliance Demonstration

All crematories must demonstrate compliance by March 14, 2025, including:

1. Submittal of an emissions testing report from the facility or submittal of a test report for an identical incinerator/retort tested in New York and approved by the NYSDEC;
2. Documentation indicating that each existing cremation unit can meet the requirements of this rule; and
3. Documentation of the certification status of each operator at the facility;

A written request for a single extension, including detailed circumstances necessitating the extension and proposed compliance date may be approved or denied by DEC.

For units that cannot meet the requirements, a written plan describing the proposed schedule for the replacement or removal of the cremation unit must be submitted to DEC within 60 days of becoming aware that it cannot meet the requirements of this rule.

Facilities constructed on or after March 14, 2020 must demonstrate compliance at startup or shortly after on a date agreed to by DEC.

If an onsite test is to be performed, a test protocol, including the configuration of breeching, stack test port locations, and test methods must be submitted for approval by the NYSDEC Regional Air Pollution Control Engineer at least 30 days prior to stack testing. Within 60 days of the completed stack test, the facility stack test report must be submitted to NYSDEC.

Furnace/Retort Design and Performance

Furnace design must provide for a combustion gas residence time in the secondary combustion chamber of at least one second at no less than 1,600°F measured on a 1-hour average basis by calibrated and maintained instrumentation. The unit may not be charged with remains above the manufacturer's rated hourly capacity of the cremation unit.

Inspection/Maintenance Requirements

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

Process monitoring

Crematory incinerators (retorts) *must be equipped* with instrumentation for continuously monitoring and recording secondary combustion chamber temperature. All instrumentation must be installed, operated, calibrated, and maintained in accordance with manufacturer's instructions.

Recordkeeping Requirements

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 required annual inspection, and the routine replacement of parts and components;
5. A copy of each cremation certification form

The owner or operator of a crematory facility must maintain the following records at the facility for the **lifetime** of each cremation unit:

1. Manufacturer's operating instructions and any associated monitoring equipment and emissions controls;
2. A copy of the most recent stack test submitted to the DEC that demonstrates compliance with this Subpart.

Additional technical information is available by contacting the Small Business Environmental Assistance Program (SBEAP); our services are free and confidential.