

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

BIOMEDICAL TECHNOLOGY SOLUTIONS,)
INC., a Colorado Corporation,)

Petitioner,)

v.)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)

Respondent.)

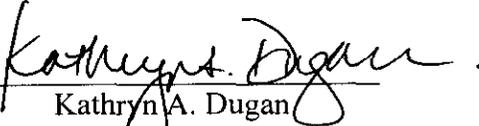
AS
PCB 08-6
(Adjusted Standard Petition)

CERTIFICATE OF SERVICE

I, Kathryn A. Dugan, an attorney, hereby certify that I caused a true and correct copy of the foregoing PROOF OF PUBLICATION to be served before 5:00 p.m. via First Class Express Mail, overnight delivery, postage pre-paid, on the following:

Kyle Davis
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Dated: December 12, 2007


Kathryn A. Dugan

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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DEC 12 2007

STATE OF ILLINOIS
Pollution Control Board

BIOMEDICAL TECHNOLOGY SOLUTIONS,)
 INC., a Colorado Corporation,)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

AS
 PCB 08-6
 (Adjusted Standard Petition)

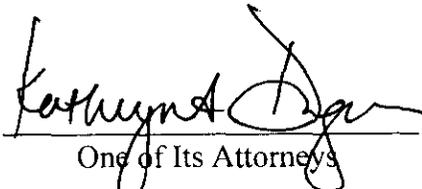
PROOF OF PUBLICATION

Petitioner BioMedical Technology Solutions, Inc. ("BMTS"), by and through its undersigned attorneys and pursuant to 35 I.A.C. 104.400 *et seq.* and 715 ILCS 5/1, hereby submits proof of publication that BMTS has published notice of the filing of its Petition for Adjusted Standard in the *State Journal Register* and the *Chicago Tribune*. Certificates of Publication for both newspapers are attached hereto collectively as Exhibit A.

Respectfully Submitted,

BIOMEDICAL TECHNOLOGY SOLUTIONS, INC.

Dated: December 12, 2007

By: 
 One of Its Attorneys

Neal H. Weinfield
 Jason B. Elster
 GREENBERG TRAUIG, LLP
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Exhibit A

STATE OF ILLINOIS
COUNTY OF SANGAMON SS

GATEHOUSE MEDIA ILLINOIS HOLDINGS, INC., DOES HEREBY CERTIFY:

That it is a corporation duly organized and existing under the laws of the State of Illinois;

That it is the publisher of *The State Journal-Register*, a secular daily newspaper printed and published in the City of Springfield, in Sangamon County, Illinois, and of general circulation in said City, County and State; and that it is a newspaper as defined in "An Act to revise the law in relation to notices" - Illinois Compiled Statutes, Chapter 715 Sections 1 and 5.

That a notice of which the annexed is a true copy has been regularly published in said newspaper one time ; that the first publication of said notice was on the sixth day of December, 2007, and the last publication thereof was on the sixth day of December, 2007,

That the face of type in which each publication of said notice was printed was the same as the body of type used in the classified advertising in the newspaper in which said publication was made;

That said *The State Journal-Register* has been regularly published in said City, County and State for at least one year Prior to publication of said notice.

In WITNESS WHEREOF, said GateHouse Media Illinois Holdings, Inc., publisher as aforesaid, has executed this Certificate of Publication by its Officer or Agent thereunto duly authorized this sixth day of December, 2007.

GATEHOUSE MEDIA ILLINOIS HOLDINGS, INC.

By 
ITS VICE PRESIDENT

Printer's Fee \$82.80

No. 07-1964

Notice of Petition by
BioMedical Technology
Solutions, Inc.
for an Adjusted Standard
before the Illinois Pollution
Control Board
On November 28, 2007,
BioMedical Technology So-
lutions (BMTS), Inc., 9800
Mt. Pyramid Court, Suite
350, Englewood, Colorado
80111, filed with the Illinois
Pollution Control Board
(IPCB) a petition for an ad-
justed standard which has
been designated Board
docket number PCB 08-6.
BioMedical Technology So-
lutions, Inc., which manufac-
tures a countertop medical
waste treatment device, the
Demolizer® technology,
seeks a technology-specific
adjusted standard from 35
IAC 1422, which requires the
use of a particular microor-
ganism, *Bacillus subtilis*
(ATCC 19659), to determine
the initial efficacy of the
technology. In conducting
the initial efficacy test re-
quired under the IPCB's regu-
lations, BMTS seeks permis-
sion to use a subspecies of
Bacillus subtilis, commonly
referred to as *Bacillus subtilis*
var. niger, recently reclassi-
fied as *Bacillus atrophaeus*,
that is the preferred and most
appropriate biological indi-
cator organism for the valida-
tion of dry heat sterilization
processes.
A public hearing to be held in
the above-described adjusted
standard proceeding by filing
a hearing request with the Il-
linois Pollution Control
Board, within 30 days after
the date of the publication of
this notice. This hearing re-
quest should clearly indicate
the docket number for the
adjusted standard proceed-
ing, as found in this notice,
and must be mailed to the
Clerk of the Board, Illinois
Pollution Control Board, 700
W. Randolph Street, Suite
14500, Chicago, Illinois
60601.

Chicago Tribune

CERTIFICATE OF PUBLICATION

Chicago Tribune Company hereby certifies that it is the publisher of the Chicago Tribune; that the Chicago Tribune is an English language newspaper of general circulation, published daily in the City of Chicago, County of Cook and State of Illinois; that the Chicago Tribune has been so published continuously for more than one year prior to the date of first publication mentioned below and is further a newspaper as defined in Ill. Rev. Stat. Ch. 100, SS 5 & 10; that the undersigned is the duly authorized agent of the Chicago Tribune Company to execute this certificate on its behalf; and that a notice of which the annexed is a true copy was printed and published in said newspaper (1) times(s) and on the following dates:

Starting 12/06/07 and Ending 12/06/07

the first publication being on the earliest of said dates and the last publication being on the latest of said dates.

Executed at Chicago, Illinois this 06TH day of December, 2007.

CHICAGO TRIBUNE COMPANY

By _____
Theresa J. [Signature]

Chicago Tribune - chicagotribune.com

435 North Michigan Avenue, Room 1015 - Chicago, Illinois 60611
(312) 222-3232 - Fax: (312) 222-4014

Notice of Petition
by BioMedical Technology
Solutions, Inc.,
for an Adjusted Standard
before the Illinois Pollution
Control Board

On November 28, 2007, Bio-Medical Technology Solutions (BMTS), Inc., 9800 Mt. Pyramid Court, Suite 350, Englewood, Colorado 80111, filed with the Illinois Pollution Control Board (IPCB) a petition for an adjusted standard, which has been designated Board docket number PCB 08-6.

BioMedical Technology Solutions, Inc., which manufactures a countertop medical waste treatment device, the Demolizer[®] technology, seeks a technology-specific adjusted standard from 35 IAC 1422, which requires the use of a particular microorganism, *Bacillus subtilis* (ATCC 19659), to determine the initial efficacy of the technology. In conducting the initial efficacy test required under the IPCB's regulations, BMTS seeks permission to use a subspecies of *Bacillus subtilis* commonly referred to as *Bacillus subtilis* var. *niger* (recently reclassified as *Bacillus atrophaeus*) that is the preferred and most appropriate biological indicator organism for the validation of dry heat sterilization processes.

Any person may cause a public hearing to be held in the above-described adjusted standard proceeding by filing a hearing request with the Illinois Pollution Control Board within 21 days after the date of the publication of this notice. The hearing request should clearly indicate the docket number for the adjusted standard proceeding, as found in this notice, and must be mailed to the Clerk of the Board, Illinois Pollution Control Board, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601.