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APR 14 2008

STATE OF ILLINOIS  
Pollution Control Board

**BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS**

IN THE MATTER OF: )  
)  
PETITION OF STERICYCLE, INC. ) AS 08-2  
FOR AN ADJUSTED STANDARD ) (Adjusted Standard – PIMW)  
FROM 35 ILL. ADM. CODE 1422.111(b)(1), )  
1450.105(a,b), 1450.200(e) )

**NOTICE**

John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

D. Alan Lindsey, II  
Squire, Sanders and Dempsey L.L.P.  
6200 Chase Tower  
600 Travis Street  
Houston, Texas 77002

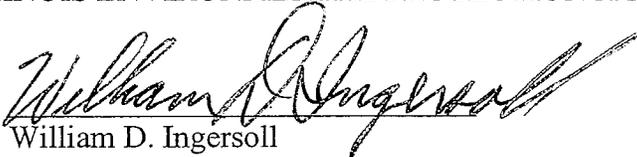
Jessica E. DeMonte  
Squire, Sanders and Dempsey L.L.P.  
Three First National Plaza  
70 West Madison Street  
Suite 2015  
Chicago, Illinois 60602

PLEASE TAKE NOTICE that I have today filed with the Assistant Clerk of the Pollution Control Board a RECOMMENDATION TO FIRST AMENDED PETITION FOR ADJUSTED STANDARD and an ENTRY OF APPEARANCE, copies of which are herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By:



William D. Ingersoll  
Manager, Enforcement Programs  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

Dated: April 8, 2008

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

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ENTRY OF APPEARANCE

I, William D. Ingersoll, hereby enter my appearance in the above-captioned matter on behalf of the Illinois Environmental Protection Agency.



William D. Ingersoll  
Manager, Enforcement Programs  
Division of Legal Counsel

Dated: April 8, 2008

Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
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**RECOMMENDATION TO FIRST AMENDED PETITION  
FOR ADJUSTED STANDARD**

The Illinois Environmental Protection Agency (Illinois EPA) by one of its attorneys, William D. Ingersoll, Manager, Enforcement Programs, pursuant to Section 104.416 of the Procedural Rules of the Illinois Pollution Control Board (“Board”), hereby files the response to the First Amended Petition for Adjusted Standard (“Petition”) filed in the above-captioned matter December 20, 2007 by the Petitioner, Stericycle, Inc. (“Stericycle”), and respectfully states as follows:

**I. INTRODUCTION**

The Petition filed by Stericycle seeks an adjusted standard from requirements in 35 Ill. Adm. Code 1422.111(b)(1), 1450.105(a,b), and 1450.200(e) which require any person who stores potentially infectious medical waste (“PIMW”) prior to treatment or disposal on-site or transport off-site to weigh all PIMW received and to record the weights in a Daily PIMW Report.

Stericycle operates a PIMW transfer station in Stickney, Cook County, Illinois. At the Stickney facility, Stericycle receives PIMW in sealed containers. It then consolidates the containers and ships them to its treatment facilities in either Clinton, Illinois or Sturtevant, Wisconsin. At no time are the containers ever opened at the Stickney facility. Presently, Stericycle weighs each truckload of PIMW which comes into the Stickney facility on a truck scale and manually records the weight of each load.

However, since Stericycle considers the weight measurement on the truck scale to be inaccurate, it is now proposing that it be allowed to weigh the PIMW loads at its Clinton and Sturtevant treatment facilities, each of which have automatic scale systems that are capable of weighing the individual containers and that are considerably more accurate than the Stickney truck scale. As is its current practice, the weights would then be

electronically transmitted to the Stickney facility and to its corporate office on a daily basis.

## II. SECTION 104.406 FACTORS

For the reasons more fully set forth below, the Illinois EPA believes that Stericycle has satisfactorily provided all of the information and/or justification required by Section 104.406 of the Board's Procedural Regulations.

### **A. Section 104.406(a): Standard from which adjusted standard is sought**

Stericycle is seeking an adjusted standard from the following regulations as they apply to the weighing of PIMW and the recording of the weights on a daily basis at its Stickney facility:

35 Ill. Adm. Code 1422.111(b)(1): PIMW must be weighed in pounds on a device for which certification has been obtained under the Illinois Weights and Measures Act.

35 Ill. Adm. Code 1450.105(a): All loads of PIMW must be measured in pounds.

35 Ill. Adm. Code 1450.105(b): PIMW must be weighed with a device for which certification has been obtained under the Illinois Weights and Measures Act.

35 Ill. Adm. Code 1450.200(e): All information required to be recorded on a daily basis by the PIMW regulations must be entered into a Daily PIMW Report.

### **B. Section 104.406(b): Regulation of general applicability**

The Illinois EPA does not take issue with Stericycle's statements on this topic.

### **C. Section 104.406(c): Level of justification**

The Illinois EPA does not take issue with Stericycle's statement on this topic.

### **D. Section 104.406(d): Petitioner's activities**

As more fully set forth in the Amended Petition, Stericycle's Stickney facility is a transfer station for PIMW at which loads of PIMW are received, consolidated, and shipped off-site to PIMW treatment facilities. At no time are the containers of PIMW opened at the Stickney facility.

### **E. Section 104.406(e): Efforts necessary to comply**

By weighing each load of PIMW at the Stickney facility with its truck scale, Stericycle is currently in compliance with the regulations. However, it now seeks to forgo that weighing procedure and replace it by weighing the PIMW once it arrives at the final

destination treatment facility. The treatment facility weighing devices are much more accurate and do not have to take into account the weight of the transporting truck. It should be noted that there is not enough space at the Stickney facility to install the same type of weighing devices that are being utilized at the disposal facilities.

**F. Section 104.406(f): Proposed adjusted standard**

The Illinois EPA is of the opinion that the proposed adjusted standard, if adopted, will provide more accurate weight measurements than currently being provided and is, therefore, a reasonable approach to the weighing requirements at the Stickney facility.

**G. Section 104.406(g): Quantitative and qualitative impact on the environment**

The regulations in questions are administrative requirements to weigh and record weights of PIMW at the transfer station. At no time is the PIMW ever exposed to the environment. As such, adopting the proposed standard will have no environmental impact.

**H. Section 104.406(h): Justification of the proposed adjusted standard**

The Illinois EPA is of the opinion that Stericycle has met the level of justification necessary to obtain the adjusted standard that it is seeking.

**I. Section 104.406(i): Consistency with federal law**

The Illinois EPA is unaware of any inconsistencies that the proposed adjusted standard would have with federal law.

**J. Section 104.106(j): Hearing**

Since there has been no request for a public hearing by a member of the public and since the Illinois EPA's recommendation is to approve the proposed adjusted standard, the Illinois EPA concurs with Stericycle's waiver of a hearing.

**K. Section 104.106(k): Supporting documents**

The Illinois EPA does not take issue with any of the supporting documents that Stericycle has included with the First Amended Petition for Adjusted Standard.

**III. RECOMMENDATION**

For the following reasons, the Illinois EPA requests that the adjusted standard sought by Stericycle be approved:

- The weight measurements from the truck scale at the Stickney facility are not as accurate as those from the weighing devices at Stericycle's disposal facilities.

- The adoption of the proposed adjusted standard will have no adverse environmental impact.
- The Illinois EPA has been informed by the Wisconsin Department of Natural Resources that Stericycle has had no compliance issues with regard to weighing PIMW at its Sturtevant facility.
- The State of Wisconsin has a weights and measures standard that is equivalent to the Illinois Weights and Measures Act.

Note, however, that this recommendation is premised on the fact that Stericycle's weighing device at its Sturtevant facility meets the standards set forth in the Illinois Weights and Measures Act. If at some future time, the State of Wisconsin's weights and measures standards are amended so that the weighing device at the Sturtevant facility no longer meets the standards set forth in the Illinois Weights and Measures Act, Stericycle must continue to comply with Illinois law.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

By: 

William D. Ingersoll  
Manager, Enforcement Programs  
Division of Legal Counsel  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544  
217/782-9143 (TDD)

Dated: April 8, 2008

## CERTIFICATE OF SERVICE

I, the undersigned, an attorney at law, hereby certify that on April 8, 2008, I served true and correct copies of a RECOMMENDATION TO FIRST AMENDED PETITION FOR ADJUSTED STANDARD and an ENTRY OF APPEARANCE, by placing true and correct copies in properly sealed and addressed envelopes and by depositing said sealed envelopes in a United States Postal Service mailbox located in Springfield, Illinois, with sufficient First Class Mail postage affixed thereto, upon the following named persons:

John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

D. Alan Lindsey, II  
Squire, Sanders and Dempsey L.L.P.  
6200 Chase Tower  
600 Travis Street  
Houston, Texas 77002

Jessica E. DeMonte  
Squire, Sanders and Dempsey L.L.P.  
Three First National Plaza  
70 West Madison Street  
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