

ILLINOIS POLLUTION CONTROL BOARD

June 4, 2008

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))

HEARING OFFICER ORDER

In an October 18, 2007, order, the Board found that Stericycle's petition for an adjusted standard had not provided all of the information required by the Act and the Board's regulations and directed Stericycle to file an amended petition addressing specified deficiencies. Among other issues, the Board requested "that Stericycle submit the Certificate of Conformance issued by the National Conference on Weights and Measures and indicating that the scale at Sturtevant meets the requirements of 35 Ill Adm. Code 1422.111(b)(1)."

Section 1422.111(b)(1) of the Board's potentially infectious medical waste (PIMW) regulations provides in pertinent part that "PIMW must be weighed with a device for which certification has been obtained under the Weights and Measures Act (Ill. Rev. Stat. 1991, ch. 147, pars. 101 *et seq.*) [225 ILCS 470]." 35 Ill. Adm. Code 1422.111(b)(1). Section 30 of the Weights and Measures Act provides in pertinent part that

[e]ach type of new weight and measure or weighing and measuring device manufactured, offered, or exposed for sale or sold or given away for the use in trade or commerce, or used in trade and commerce in this State, shall conform with the requirements and specifications in the National Institute of Standards and Technology Handbook 44, 105-1, 105-2, 105-3, or 105-4 and any of their revisions or supplements. A Certificate of Conformance must be issued prior to the use of such new weight and measure or weighing and measuring device for commercial or law enforcement purposes. 225 ILCS 470/30 (2006).

The Weights and Measures Act defines "Certificate of Conformance" as

a document issued by the National Conference on Weights and Measures based on testing in participating laboratories that indicates that the weights and measures or weighing and measuring device conform with the requirements of National Institute of Standards and Technology's Handbooks 44, 105-1, 105-2, 105-3, or 105-4 and any subsequent revisions or supplements thereto. 225 ILCS 470/2 (2006).

In describing the relief it requests, Stericycle seeks a Board order including the provision that “[t]he PIMW shall be weighed with a device for which a certificate of conformance has been obtained pursuant to National Institute of Standards and Technology Handbook 44. The PIMW may be weighed on a device outside the State of Illinois, provided the device conforms with the standards set forth in this section.” Am. Pet at 11 (¶48(b)).

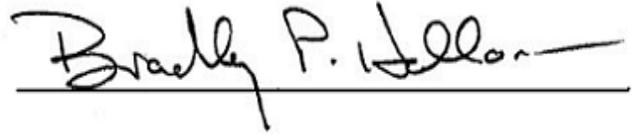
On December 20, 2007, Stericycle filed its amended petition (Am. Pet.). The amended petition includes an exhibit listing the information requested by the Board in its October 18, 2008, order and the corresponding paragraphs in which Stericycle sought to respond to those requests. Am. Pet., Exh. A. The exhibit states that “[t]he certification that the Wisconsin scales meets the requirements of NIST Handbook 44 is attached as Exhibit D.” *Id.* Exhibit D includes three calibration reports for scales at the Sturtevant facility: a Transcell Model TI-500E; a Weigh-Tronix Model WI-130; and a Toledo Panther model. *See* Am. Pet., Exh. D. Each of the reports appears to indicate that final test readings conform to NIST Handbook 44 specifications. *Id.* However, these calibrations are not the equivalent of a Certificate of Conformance.¹

Accordingly, as previously ordered by the Board on December 20, 2007, Stericycle is directed to obtain certificates of conformance for the scales located at its Sturtevant facility on which it intends to rely for weighing PIMW under its requested adjusted standard. Stericycle is directed to file those certificates of conformance with the Board’s Clerk within 14 days of the date of this order.

¹ According to the Web site of the National Conference on Weights and Measures (NCWM), such certificates appear to be issued to a scale’s manufacturer through the National Type Evaluation Program (NTEP). *See* <http://www.ncwm.net/ntep> (last visited June 2, 2008).

The manufacturer’s Web site appears to indicate that the Transcell Model TI-500E is NTEP-approved. *See* http://www.transcell.net/english/product/images/upload_pdf/pdf29446738.pdf (last visited June 2, 2008). The same Web site also provides contact information for Transcell Technology, Inc.: 975 Deerfield Pkwy, Buffalo Grove, IL 60089 with telephone numbers 847-419-9180 and 800-503-9180 and fax 847-419-1515. *Id.* Similarly, the Web site of Weigh-Tronix appears to indicate that the Model WI-130 is NTEP-approved. *See* http://www.weigh-tronix.ca/literature/130_L.pdf (last visited June 2, 2008). The same Web site also provides contact information for Weigh-Tronix, Inc.: 1000 Armstrong Drive, Fairmont, MN 56031 with telephone number 507-238-4461 and fax 507-238-4195. However, the Web site of Mettler Toledo, Inc. does not plainly indicate that its Panther model has received NTEP approval. *See* http://us.mt.com/mt/products/products-applications_industrial-weighing_terminals-indicators_panther-plus-terminals/PANTHER_PLUS_Harsh_Environment_Terminal_0429813810252551.jsp (last visited June 2, 2008). The Web site also provides contact information for Mettler Toledo Industrial Weighing Products: 1900 Polaris Parkway, Columbus, OH, 43240 and telephone number 800-786-0038. *See* <http://us.mt.com/contact> (last visited June 2, 2008).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

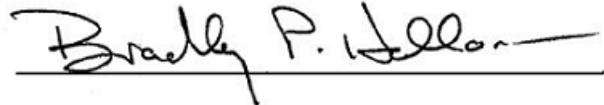
Bradley P. Halloran
Hearing Officer
Illinois Pollution Control Board
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312.814.8917

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class on June 4, 2008, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on June 4, 2008:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601

A handwritten signature in black ink that reads "Bradley P. Halloran". The signature is written in a cursive style and is positioned above a solid horizontal line.

Bradley P. Halloran
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