

ILLINOIS POLLUTION CONTROL BOARD
January 6, 2011

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R11-20
PART 229:) (Rulemaking - Air)
HOSPITAL/MEDICAL/INFECTIOUS)
WASTE INCINERATORS)

ORDER OF THE BOARD (by C.K. Zalewski):

On December 23, 2010, the Illinois Environmental Protection Agency (Agency or IEPA) filed a rulemaking proposal¹ for amendments to the Board's air quality standards rules pursuant to the general rulemakings provisions of Section 27 of the Illinois Environmental Protection Act (Act), 415 ILCS 5/27 (2008) and the Boards procedural rules at 35 Ill. Adm. Code 102. The proposal is accompanied by, among other things, a Technical Support Document (TSD), a motion waiver of copy submission requirements, and a motion for expedited review (MER).

In the Statement of Reasons (SR) accompanying the proposal, the Agency stated that this proposal contains amendments to 35 Ill. Adm. Code Part 229 "Hospital/Medical/Infectious Waste Incinerators" (HMIWI). The proposed rules would reflect amendments promulgated by the United States Environmental Protection Agency (USEPA) to federal air quality standards,² including new source performance standards (NSPS) and emissions guidelines (EG). SR at 1. Changes include revised emission standards (more stringent than existing ones) revised waste management plan provisions (for greater flexibility in demonstrating compliance), and removal of an existing startup, shutdown, and malfunction provision. *Id.*

The compliance date for the new rules would be January 1, 2014. The Agency reports Illinois currently has only one HMIWI to which the new rules would apply: the Stericycle, Inc. facility located in Clinton.

¹ In the interest of clarity, the Board has slightly revised the Agency's caption for this rulemaking to better reflect the nature of the proposal. The Board requests that the participants use the caption above in future filings.

² USEPA adopted its "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators" at 74 Fed. Reg. 51368 (Oct. 6, 2009). States were required to have State Implementation Plans (SIP) revisions with the new incinerator rules filed within a year of the date of USEPA promulgation of the new rules, *i.e.* by October 6, 2010. Section 129(b)(3) of the federal Clean Air Act, 42 USC7429(c), requires USEPA to develop a Federal Implementation Plan (FIP) within two years of federal rule promulgation *i.e.* by October 6, 2011.

The Board finds that the petition meets the content requirements of 35 Ill. Adm. Code 102.202. The Board accordingly accepts the petition for hearing.

The Board reserves ruling on the pending motions, as participants' time to respond to them has not yet elapsed. The Board is mindful that, in the MER, IEPA says that Illinois can avoid a FIP, if Illinois submits a SIP revision by October 6, 2011 (MER at 2). The Board will rule on the pending motions promptly once they are ripe.

IT IS SO ORDERED.

I, John T. Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on January 6, 2011 by a vote of 5-0.

A handwritten signature in black ink, reading "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Assistant Clerk
Illinois Pollution Control Board