

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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

**NOTICE**

TO: John Therriault, Acting Clerk Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, Illinois 60601-3218	Kathleen Crowley, Hearing Officer Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph St., Suite 11-500 Chicago, IL 60601-3218
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Matthew Dunn, Chief Division of Environmental Enforcement Office of the Attorney General James R. Thompson Center 100 West Randolph St., Suite 1200 Chicago, IL 60601	Selin Hoboy, Vice President Legislative & Regulatory Affairs Stericycle, Inc. 303 S. Broadway PMB105 Denver, CO 80209
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Mitchell Cohen, Chief Legal Counsel  
Illinois Dept. of Natural Resources  
One Natural Resources Way  
Springfield, IL 62701

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the ILLINOIS EPA ANSWERS AND SECOND ERRATA TO QUESTIONS REGARDING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS of the Illinois Environmental Protection Agency a copy of which is herewith served upon you.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By: /s/ Charles E. Matoesian  
Charles E. Matoesian  
Assistant Counsel  
Division of Legal Counsel

DATED: June 13, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
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**THIS FILING IS SUBMITTED  
ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

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 ) **R11-20**  
**AMENDMENTS TO 35 ILL.** ) **(Rulemaking - Air)**  
**ADM. CODE PART 229,** )  
**HOSPITAL/MEDICAL/INFECTIOUS** )  
**WASTE INCINERATORS** )  
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**ILLINOIS EPA ANSWERS AND SECOND ERRATA TO QUESTIONS REGARDING  
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

NOW COMES Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or "Agency"), by its attorney, Charles E. Matoesian, and files this response to the questions of the Illinois Pollution Control Board's ("Board") attached to the Hearing Officer's Order of June 3, 2011.

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R11-20  
**ATTACHMENT**  
**To Hearing Officer Order of June 30, 2011**  
**Board Staff Follow-up Questions to Information provided May 23 and 25, 2011  
in Response to April 20, 2011 Hearing Officer Order**

Although the questions below are directed to specific participants, anyone is free to address any of the questions posed below:

Follow up questions to the 4-20-11 Hearing Officer Order:

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY**

1. **Section 229.104 Incorporations by Reference**

IPCB: For the incorporations by reference, the Agency was requested to please provide the

name and address of the entity or organization from which a copy of the material may be obtained.

- (a) The Agency did not provide contact information for the USEPA document proposed at 229.1040). The USEPA address given on the face of the document "Fabric Filter Bag Leak Detection Guidance" is:

USEPA  
Office of Air Quality Planning and Standards  
Emissions, Monitoring and Analysis Division  
Emission Measurement Center (MD-19)  
Research Triangle Park, NC 27711

Usually, the general address for USEPA incorporations by reference seems to be:

GPO. Superintendent of Documents, U.S. Government Printing Office,  
Washington, DC 20401, (202) 783-3238.

Would the Agency please confirm the correct contact information for obtaining this document?

*IEPA: To the best of my knowledge, this is the correct address.*

*GPO  
Superintendent of Documents  
U.S. Government Printing Office  
P979050  
St. Louis MO63197-9000*

- IPCB: (b) The Agency did not provide an address for the existing Incorporation by Reference for Office of Management and Budget for 229.1 04(b) "Revised Statistical Definitions for Metropolitan Areas," OMB Bulletin No. 93-17, Office of Management and Budget, Washington, D.C. (June 30, 1993).

Would the Agency please provide the correct contact information for this document as well?

*IEPA: After searching, to the best of my knowledge, this is the correct address.*

*Management and Budget Office  
National Technical Information Services  
5285 Port Royal Road  
Springfield, VA 22161*

2. **Section 229.116 Compliance Schedules for HMIWIs that Will Shut Down**

IPCB: The Agency was requested to clarify if Section 229.116 provided an opportunity for

HMIWIs pursuing the extended compliance timeframe to decide to shut down at a date later than January 2, 2014.

IEPA responded by saying,"

"Any HMIWI unit that is granted compliance extension but later decides to shut down must do so no later the final compliance date as specified in the increments of progress to avoid enforcement action. Since the unit is shutting down, not retrofitting, the owner or operator must submit a request to have the increments of progress revised."

If an HMIWI that previously pursued an extended compliance timeframe later decides to shut down, what reason would there be to request a revision of the increments of progress? In this case, wouldn't they simply need to submit a "written notice of their intention to permanently shut down" as provided in 229.116(a)?

In this light, please review the draft language at pp.5-6 and indicate what, if any, revisions should be made.

*IEPA: The situation described in the Board Staff question is best handled through permitting. Under 40 CFR 60.39e(d)(1) owners or operators of HMIWIs that plan to petition for compliance extension are to do so before the rule compliance date; that is, before January 1, 2014. Since the HMIWI is now operating under a CAAPP permit that includes specified increments of progress, to avoid being subject to any requirement under Part 229, the owner or operator should request a revision of the increments of progress. A revision of the increments of progress is required because the increments of progress for a facility planning to shut down its HMIWI or retrofit and continue to operate after January 1, 2014 are not the same.*

*The Illinois EPA proposes amending Section 229.116 to enable owners or operators that plan to shut down their HMIWIs rather than come into compliance with the amended requirements under Part 229, but are unable to do so by January 1, 2014, to petition IEPA for an extension.*

*The revisions read as follows:*

*Section 229.116(a):*

- 2) *On or before January 1, 2013, except as provided for in Section 229.116(c), for an HMIWI as defined in Section 229.110 (a)(1) or (a)(2) of this Part subject to the emissions limits under Section 229.125(c), as applicable, or Section 229.126(c) of this Part.*

*Section 229.116:*

c) Except as provided in subsection (c)(5) of this Section, owners or operators may have up to October 6, 2014, to shut down their HMIWIs to avoid being subject to any requirement under Part 229. To avail themselves of this extended compliance timeframe, the owner or operator of an HMIWI shall:

1) Submit its application to the Agency, by July 1, 2013, requesting an extended compliance schedule, pursuant to Section 39.5(5)(d) of the Act, [415 ILCS 5/39.5(5)(d)]. This compliance schedule shall include documentation of the analysis undertaken to support the need for an extension, including an explanation of why the timeframe up to October 6, 2014 is sufficient while the timeframe up to January 1, 2014 is not sufficient, and incremental steps to be taken toward compliance with applicable requirements of this Part that:

2) If an onsite alternative waste treatment technology is needed to be installed before the HMIWI is shut down, an application for compliance extension shall include the following elements of increments of progress and completion date for each step of progress:

A) Finalize contract with an alternative waste treatment technology vendor;

B) Initiate onsite construction or installation of alternative waste treatment technology;

C) Complete onsite construction or installation of alternative waste treatment technology;

D) Take the steps described under subsection (b) of this Section to demonstrate that the HMIWI has been rendered permanently inoperable.

3) If an onsite alternative waste treatment technology is not needed to be installed before an HMIWI is shut down, an application for compliance extension shall include a plan for shut down. The plan for shut down shall include steps described under subsection (b) of this Section to demonstrate that the HMIWI has been rendered permanently inoperable.

- 4) If a petition for compliance extension is granted, the owner or operator of an HMIWI as defined in Section 229.110 (a)(1) or (a)(2) must continue to comply with the provisions of their current CAAP permit during the interim.
- 5) Any owner or operator of an HMIWI that fails to demonstrate compliance with this Part by October 6, 2014, shall cease operation of the HMIWI until compliance with the provisions of this Part is achieved.
- 6) Notwithstanding subsection (c)(1) of this Section, all owners or operators of HMIWIs shall be in full compliance with all of the HMIWI operator provisions of Subpart J of this Part by January 1, 2014.

3. **Section 229.120 CAAPP Permit Requirements**

IPCB: The Agency was requested to clarify if certain sections of the proposed rule should recognize the extended compliance deadline under Section 229.115(b)(2). The Agency's response clarified that the purpose of a compliance extension is to allow time for compliance with the new requirements, but it does not preclude the HMIWI from complying with the old requirements during the interim.

However, the proposed language does not seem clear on that point. As proposed, the compliance extension is "to comply with this Part." It doesn't refer to just the new requirements. The language should be clear that the compliance extension applies only to the new/amended requirements. Based on that, please review the draft language at pp.5-6 and indicate what, if any, revisions should be made.

IEPA: *The Illinois EPA proposes amending subsection 229.115(b) by:*

- i) *Re-numbering subsection (b)(3) as (b)(4);*
- ii) *Re-numbering subsection (b)(4) as (b)(5); and*
- iii) *Revising subsection (b)(2)*
- iv) *Adding a new subsection (b)(3)*

*Subsections (b)(2) and (b)(3) read as follows:*

- 2) *Except as provided in subsection (b)(4) ~~(3)~~ of this Section ~~subsection~~, the owner or operator of an HMIWI may have up to October 6, 2014, to come into compliance with the emissions limits under Section 229.125(c) or 229.126(c) of ~~comply with~~ this Part, as applicable. To avail themselves of this extended compliance timeframe, the owner or operator of an HMIWI shall ~~do all of the~~ following:*

3) If a petition for compliance extension is granted, the owner or operator of an HMIWI as defined in Section 229.110 (a)(1) or (a)(2) must continue to comply with the provisions of their current CAAP permit during the interim.

4. **Section 229.150 Compliance with Operating Parameter Values**

IPCB: The Agency was asked to clarify language relating to operating parameters to be monitored. In response, the Agency proposed revised language.

Did the Agency intend to strike the reference to "a selective noncatalytic reduction system" that was proposed adding in the original proposal? Stat. of Reas. at 11.

Is the selective non-catalytic reduction system no longer a compliance option?

If so, please explain why, as the selective non-catalytic reduction system still remains in proposed 229.150(b). (e.g. was the strikeout a typo?)

*IEPA: The strikeout was not a typo; selective non-catalytic reduction is still an option just like other control types not listed in the proposed rule. The provision under proposed subsection 229.150(b) essentially conveys the same information on compliance requirement for SNCR operation as in subsections 229.150(a) and 229.150(c)(b) although with more emphasis.*

**IEPA and STERICYCLE**

5. **Section 229.115 Compliance Schedules for HMIWIs that will Continue to Operate**

IPCB: This question regards the extended compliance schedule proposed under Section 229.115(b)(2).

IEP A and Stericycle were requested to comment on a revised schedule for the increments of progress. Although IEP A stated that Stericycle did not respond to its email (IEPA Answers at 4), Stericycle may have believed it was responding to IEPA and the Board by submitting its response to the HOO on May 23, 2011. Stericycle suggested revisions to IEPA's proposal as well as Stericycle's own original proposal.

The Board's staff noted that Stericycle did not propose an alternate date for step "(iv) Perform initial startup of the retrofitted HMIWI by January 15, 2002".

Based on this, please review the draft schedule provided at p. 7 and indicate if both participants concur. If not, please specify what, mutually agreeable revisions should be made. If there is no agreement, each participant should be prepared to state its own position.

*Electronic Filing - Received, Clerk's Office, 06/13/2011*

*IEPA: The Illinois EPA reviewed the pertinent parts of the rule and, in conjunction with Stericycle, developed a new timeline which was submitted as Exhibit 2 at the June 8, 2011, hearing in Clinton.*



**Draft Rule Revision Language for Review and Concurrence or Revision by IEPA and Stericycle:**

*(Prepared by Board's staff)*

IPCB: The rulemaking language drafted below in **bold underline** reflects possible changes to the IEPA's proposal. All provisions are codified at 35 Ill. Adm. Code:

229.115(b)(2)

Except as provided in paragraph (3) of this subsection, the owner or operator of an HMIWI may have until October 6, 2014, to comply with the **amended requirements of** this Part, **but must continue to comply with the provisions of their current CAAP permit during the interim.** To avail themselves of this extended timeframe, the owner or operator of an HMIWI shall do all of the following:

*IEPA: See response to Question #3 above.*

IPCB: Section 229.115(b)(3)

**(A)** Any owner or operator of an HMIWI that fails to demonstrate compliance with this Part by October 6, 2014, shall cease operation of the HMIWI until compliance with the provisions of this Part is achieved; **or**

**(B)** **Any owner or operator of an HMIWI pursuing the extended compliance timeframe under subsection (b)(2) of this Section that chooses to permanently shut down the HMIWI will comply with the requirements of Section 229.116.**

*IEPA: See response to Question #2 above.*

IPCB: 229.116 (a)(3)

**On or before October 6, 2014, for an HMIWI as defined in Section 229.110(a)(1) or (a)(2) of this Part subject to the emissions limits under Section 229.125(c), as applicable, or Section 229.126(c) of this Part, which had pursued the extended compliance timeframe pursuant to Section 229.115(b)(2).**

*IEPA: See response to Question #2 above.*

IPCB: Section 229.120(a)(2)

By January 1, 2014, **except as provided for in Section 229.115(b)(2)(A) of this Part,** for an HMIWI as defined in Section 229.110(a)(1) or (a)(2) of this Part.

*IEPA: All HMIWIs are required to operate under a Title V permit requirement by January 1, 2014 even if they are operating under a compliance extension provision.*

IPCB: Section 229.125(c)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, each owner or operator of a small, medium, or large HMIWI as defined in Section 229.110(a)(1) and (a)(2) of this Part ...

IEPA: *The Illinois EPA proposes amending subsection 229.125(c) to read as follows:*

- c) *On or after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, each owner or operator of a small, medium, or large HMIWI as defined in Section 229.110(a)(1) or (a)(2) of this Part, shall comply with the following emissions limits:*

IPCB: Section 229.126(c)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, a rural HMIWI, ...

IEPA: *The Illinois EPA proposes amending subsection 229.126(c) to read as follows:*

- c) *On or after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), as applicable, a rural HMIWI as defined in Section 229.110(a)(1) or (a)(2) of this Part, shall comply with the following emissions limits:*

IPCB: Section 229.162(e) and (f)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, the owner or operator ...

IEPA: *All HMIWIs are required to comply with annual equipment inspection and air pollution control device inspection requirements effective January 1, 2014 even if they are operating under a compliance extension provision.*

IPCB: Section 229.166(a)(2)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, for a small, medium or large HMIWI, ...

IEPA: *The Illinois EPA proposes amending subsection 229.166(a)(2) to read as follows:*

- 2) *On or after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), for a small, medium or large HMIWI, and a rural HMIWI that is equipped with an air pollution control device(s).*

IPCB: Section 229.168(a)(2)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, for a rural HMIWI, ...

IEPA: *The Illinois EPA proposes amending subsection 229.168(a)(2) to read as follows:*

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- 2) *On or after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), for a rural HMIWI that is not equipped with an air pollution control device(s).*

IPCB: Section 229.184(b)(2)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, the test data and values ...

IEPA: *The Illinois EPA proposes amending subsection 229.184(b)(2) to read as follows:*

- 2) *On or after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), applicable, the test data and values for the site-specific operating parameters established pursuant to Section 229.142(b)(3), (4) or (5), as applicable, and a description, including sample calculations, of how the operating parameters were established during the initial performance test for an HMIWI subject to the emissions limits under Section 229.125(c) or (e), or Section 229.126(c) of this Part;*

IPCB: Section 229.184(c)(2)

By January 1, 2014, **except as provided for in Section 229.115(b)(2)**, and by January 1 of each year thereafter, ...

IEPA: *The Illinois EPA proposes amending subsection 229.184(c)(2) to read as follows:*

- 2) *By January 1, 2014 and by January 1 of each year thereafter, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), applicable, for an HMIWI subject to the emissions limits under Section 229.125(c) or (e), or Section 229.126(c) of this Part; and*

IPCB: Section 229.184(c)(3)(B)

On or after January 1, 2014, **except as provided for in Section 229.115(b)(2)**, the values for site-specific ...

IEPA: *The Illinois EPA proposes amending subsection 229.184(c)(3)(B) to read as follows:*

- B) *On or after January 1, 2014, except as provided for in Section 229.115(b)(3) or Section 229.116(c)(4), applicable, the values for site-specific operating parameters established pursuant to Section 229.142(b)(3), (4) or (5) of this Part, as applicable;*

**Draft Schedule for Review and Concurrence or Revision by IEPA and Stericycle:**

*(Prepared by Board's staff)*

35 Ill. Adm. Code 229.115(b)(2)

- A) Submit CAAPP application to the Agency, on or before **January 1, 2013 ...**
- B) Meet the following increments of progress by the dates indicated:
  - i) Finalize all contracts for the purchase of either pollution control equipment, process modification or control systems by **August 1, 2012;**
  - ii) Commence the implementation of either the process modifications or the necessary construction or installation of air pollution control devices for the HMIWI by **March 1, 2013;**
  - iii) Complete either the process modifications or the installation or construction of the new air pollution control equipment by **September 1, 2013;**
  - iv) Perform initial startup of the retrofitted HMIWI by **June 21, 2014;** and
  - v) Complete the initial performance test in accordance with Section 229.142 of this Part by **October 6, 2014.**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF SANGAMON )

**CERTIFICATE OF SERVICE**

I, the undersigned, an attorney, state that I have served electronically the attached, ILLINOIS EPA ANSWERS AND SECOND ERRATA TO QUESTIONS REGARDING HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS upon the following persons:

John Therriault, Acting Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, Illinois 60601-3218

Kathleen Crowley, Hearing Officer  
Illinois Pollution Control Board  
James R. Thompson Center  
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One Natural Resources Way  
Springfield, IL 62701

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

/s/ Charles E. Matoesian  
Charles E. Matoesian  
Assistant Counsel  
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