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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
June 3, 2011

IN THE MATTER OF:)
)
AMENDMENTS TO 35 ILL. ADM. CODE) R 11-20
PART 229:) (Rulemaking - Air)
HOSPITAL/MEDICAL/INFECTIOUS)
WASTE INCINERATORS)

HEARING OFFICER ORDER

The first hearing in this matter is scheduled for June 8, 2011 in Clinton. In response to the hearing officer order of April 20, 2011 concerning the pre-filing of testimony and responses to questions in advance of that hearing, and Stericycle, Inc. filed answers on May 23, 2011. On May 25, 2011, the rule proponent, the Illinois Environmental Protection Agency (IEPA), filed answers and a first errata sheet, including Exhibits A to H.

Board staff has examined these participants' filings, and intends to ask a few follow-up questions concerning them. To facilitate hearing efficiency and participants' ability to provide information, these questions are attached to this hearing officer order, beginning at p. 2. As the hearing date is fast approaching, the hearing officer will e-mail this order to IEPA and Stericycle today, in addition to having the Clerk's Office make usual mail service.

The hearing officer encourages participants to provide answers at the June 8 hearing to the extent they can. But, if additional time is necessary to formulate responses, it is of course acceptable to defer answers until the hearing scheduled for June 28, 2011.

IT IS SO ORDERED.



Kathleen M. Crowley
Hearing Officer, Illinois Pollution Control Board
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Chicago, Illinois 60601
(312) 814-6929 crowlek@ipcb.state.il.us

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

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 229.104(j). 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?

- (b) The Agency did not provide an address for the existing Incorporation by Reference for Office of Management and Budget for 229.104(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?

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

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.

3. **Section 229.120 CAAPP Permit Requirements**

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.

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

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 and STERICYCLE

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

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

IEPA and Stericycle were requested to comment on a revised schedule for the increments of progress. Although IEPA 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.

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

(Prepared by Board's staff)

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:

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.**

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).

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.

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...

Section 229.126(c)

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

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...

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, ...

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, ...

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...

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, ...

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...

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**.

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)

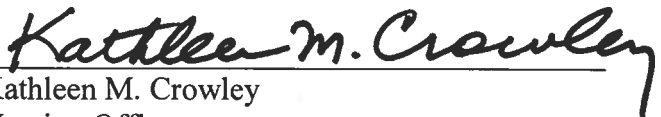
- A) Submit CAAPP application to the Agency, on or before **January 1, 2013**...
- B) Meet the following increments of progress by the dates indicated:
 - i) Finalize all contracts for the purchase of either pollution control equipment, process modification or control systems by **August 1, 2012**;
 - 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**.

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on June 3, 2011, to each of the persons on the attached service list. Copies were also e-mailed to Charles Matoesian of the Illinois Environmental Protection Agency and Selin Hoboy of Stericycle Inc.

It is also hereby certified that a true copy of the foregoing order was hand delivered to the following on June 3, 2011:

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R11-20 Notice List 6/3/11

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