

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R 2025-24
POTENTIALLY INFECTIOUS MEDICAL)
WASTE: DESIGN AND OPERATION OF) (Rulemaking)
FACILITIES; PROPOSED AMENDMENT TO)
35 Ill. ADM. CODE 1422.APPENDIX A,)
TABLE B – INDICATOR MICROORGANISMS)

NOTICE

TO: Don A. Brown, Clerk	Carlie Leoni, Hearing Officer
Illinois Pollution Control Board	Illinois Pollution Control Board
60 E. Van Buren Street	60 E. Van Buren Street
Suite 630	Suite 630
Chicago, Illinois 60605	Chicago, Illinois 60605
(VIA ELECTRONIC MAIL)	(VIA ELECTRONIC MAIL)

See attached Service List

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board Illinois Environmental Protection Agency's Pre-Filed Responses to Illinois Pollution Control Board's Pre-Filed Questions and BioSAFE Engineering's Pre-Filed Question, a copy of which is herewith served upon you along with this notice.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: August 20, 2025

115 South LaSalle Street
Suite 2203
Chicago, Illinois 60603
312-832-0025
trevor.dellaquila@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
) R 2025-24
POTENTIALLY INFECTIOUS MEDICAL)
WASTE: DESIGN AND OPERATION OF) (Rulemaking)
FACILITIES; PROPOSED AMENDMENT TO)
35 Ill. ADM. CODE 1422.APPENDIX A,)
TABLE B – INDICATOR MICROORGANISMS)

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S
RESPONSES TO ILLINOIS POLLUTION CONTROL BOARD'S PRE-FILED
QUESTIONS AND BIOSAFE ENGINEERING'S PRE-FILED QUESTION**

Illinois Environmental Protection Agency's ("Illinois EPA" or "Agency") Responses to the Illinois Pollution Control Board's (the "Board") questions raised in its August 18, 2025 Hearing Officer Order, and BioSAFE Engineering's ("BioSAFE") Pre-Filed Question:

Responses to Pre-Filed Questions from the Board:

Board Question 1:

1. On page 3, the Agency proposes to amend 35 Ill. Adm. Code Section 1422.105(a)(4)(F) to specify that "operating parameters" include temperature and pressure for the treatment units.
 - a. In addition to the proposed inclusion of temperature and pressure, please comment on whether it would be acceptable to the Agency include residence time, chemical concentration, and irradiation dose in subsection (a)(4)(F) to be consistent with how "operating parameters" are described in other sections of Part 1422. See Sections 1422.122(c)(5)(D), 1422.124(f)(2), 1422.125(f)(2), and 1422.125(g)(2).
 - b. If not, explain the rationale for not including examples of operating parameters.

Agency Response:

Including additional operating parameters in 35 Ill. Adm. Code 1422.105(a)(4)(F) would not be objectionable to the Agency. The Agency's proposal was intended to clarify operating parameters most relevant for autoclaves and other thermal units and not to suggest that other parameters could not also be considered where appropriate. The Agency recognizes additional operating parameters may apply and would not oppose expanding the list in section 1422.105(a)(4)(F) so long as the examples remain illustrative and not exhaustive.

Board Question 2:

2. The Agency also proposes to add “temperature, pressure, residence time, chemical concentration, irradiation dose” as examples of “operating parameters” to Sections 1422.122(a)(4)(E), 1422.123(a)(3), 1422.123(c)(1), and 1422.127(e)(1). Agency PFT at 4.
 - a. Please comment on whether similar language should be added to Sections 1422.125(c)(2) and 1422.Appendix A(a)(2)(A) where the phrase “operating parameters” is used.
 - b. If not, explain the rationale for not including examples of operating parameters.

Agency Response:

As stated in response to Board Question 1, the Agency’s proposal was intended to clarify the operating parameters most relevant to autoclaves and other thermal units and not to suggest that other operating parameters could not also be considered where appropriate. The Agency would not object to including similar clarifying language if the Board finds doing so improves consistency across Part 1422. The Agency’s rationale for not proposing corresponding amendments to Sections 1422.123(c)(2) and Appendix A(a)(2)(A) is that the provisions already direct applicants to identify and document operating parameters in a manner sufficient for Agency review. However, if the Board prefers to add examples of operating parameters for consistency, the Agency would not object, again so long as the examples are illustrative and not exhaustive.

Board Question 3:

3. Instead of providing examples of “operating parameters” in each section of the rules where that phrase is used in Part 1422 (approximately 12 times), please comment on whether it would be acceptable to the Agency to add a definition of “operating parameters” under Section 1420.102 as follows:

“Operating parameters” means treatment parameters including temperature, pressure, residence time, chemical concentration, and irradiation dose.

Agency Response:

The Agency recognizes that a definition of “operating parameters” under Section 1420.102 could provide greater consistency and would not object to this approach, provided the definition makes clear the list is not exhaustive such that additional parameters (e.g. feed rates) may also be identified and applied where appropriate. In such a case, the Agency would suggest the definition read:

“Operating parameters” means treatment parameters including, but not limited to, temperature, pressure, residence time, chemical concentration, and irradiation dose.

The Agency did not initially propose to define “operating parameters” under Section 1420.102 because the rules have historically functioned without one; however, if the Board determines that a definition is preferable for consistency, the Agency would support such an approach.

Response to BioSAFE’s Pre-Filed Question

BioSAFE’s Question to Illinois EPA (8/13/25):

Does Illinois EPA have any objections to BioSAFE’s proposal?

Agency Response:

The Agency does not have objections to BioSAFE’s proposal. The Agency’s focus has been on ensuring the rules remain clear and sufficiently flexible so that appropriate biological indicators can be reviewed and approved through the permitting process, in addition to suggesting clarifying amendments to Part 1422. The Agency defers to the Board on whether to adopt BioSAFE’s requested changes regarding biological indicators.

Additional Responses:

In the June 25, 2025 pre-filed responses from BioSAFE, the response to Board question B.3 states: “Our understanding of the current state of the field suggests that yes, references to *Bacillus Stearothermophilus* should be replaced with references to *Geobacillus Stearothermophilus*.”

Agency Response:

The Agency does not object to the proposed changes as they do not conflict with the approach to maintain flexibility in the rules such that equipment manufacturers may propose appropriate biological indicators for their systems, subject to Agency review during the permitting process. The addition of *Bacillus Atropheus* provides an additional indicator organism option for low-pressure, low-temperature treatment systems and the update from *Bacillus* to *Geobacillus* in Section 1422 Appendix A Table B reflects current nomenclature and eliminates outdated terminology.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: August 20, 2025

115 South LaSalle Street
Suite 2203
Chicago, Illinois 60603
312-832-0025
trevor.dellaquila@illinois.gov

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	R 2025-24
POTENTIALLY INFECTIOUS MEDICAL)	
WASTE: DESIGN AND OPERATION OF)	(Rulemaking)
FACILITIES; PROPOSED AMENDMENT TO)	
35 Ill. ADM. CODE 1422.APPENDIX A,)	
TABLE B – INDICATOR MICROORGANISMS)	

CERTIFICATE OF SERVICE

I, the undersigned, an attorney, state the following:

I have served the attached Illinois Environmental Protection Agency's Pre-Filed Responses to Illinois Pollution Control Board's Pre-Filed Questions and BioSAFE Engineering's Pre-Filed Question upon the following:

See attached Service List

I affirm that my e-mail address is trevor.dellaquila@illinois.gov; the number of pages in the e-mail transmission is 7; and the e-mail transmission took place before 5:00 p.m. on August 20, 2025.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/ Trevor D. Dell'Aquila
Trevor D. Dell'Aquila
Assistant Counsel
Division of Legal Counsel

DATED: August 20, 2025

115 South LaSalle Street
Suite 2203
Chicago, Illinois 60603
312-832-0025
trevor.dellaquila@illinois.gov

SERVICE LIST

Illinois Pollution Control Board Don A. Brown, Clerk of the Board Carlie Leoni, Hearing Officer 60 E. Van Buren Street Suite 630 Chicago, Illinois 60605 don.brown@illinois.gov carlie.leoni@illinois.gov	BioSAFE Engineering Melissa S. Brown Alec Messina HeplerBroom LLC 4340 Acer Grove Drive Springfield, Illinois 62711 melissa.brown@heplerbroom.com alec.messina@heplerbroom.com
Illinois Department of Natural Resources Renee Snow General Counsel Office of Legal Services One Natural Resource Way Springfield, Illinois 62702 renee.snow@illinois.gov	Office of the Illinois Attorney General Environmental Bureau 69 West Washington Street Suite 1800 Chicago, Illinois 60602 enviro@ilag.gov