

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

**IN THE MATTER OF:**

**AMENDMENTS TO 35 ILL.  
ADM. CODE PART 229,  
HOSPITAL/MEDICAL/INFECTIOUS  
WASTE INCINERATORS**

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**R11-20  
(Rulemaking - Air)**

**NOTICE**

TO:

**John Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601**

**Matthew J. Dunn, Chief  
Environmental  
Enforcement/Asbestos  
Litigation Division  
Illinois Attorney General's Office  
69 West Washington St., 18th Floor  
Chicago, IL 60602**

**Mitchell Cohen  
Chief Legal Counsel  
Illinois Dept. of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271**

**Selin Hoboy  
Vice President, Legislative &  
Regulatory Affairs, Stericycle, Inc.  
Suite 200 BMP105  
Denver, CO 80209**

**Wade Van Zee  
Stericycle, Inc.  
5815 Weldon Springs Rd.  
Clinton, IL 61727**

**Kathleen M. Crowley  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601**

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the ILLINOIS EPA FIRST NOTICE COMMENTS AND THIRD ERRATA TO HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS 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: August 16, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217.782.5544

**THIS FILING IS SUBMITTED  
ON RECYCLED PAPER**

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

<b>IN THE MATTER OF:</b>	)	
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<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>	)	
	)	
	)	

**ILLINOIS EPA FIRST NOTICE COMMENTS AND THIRD ERRATA TO  
HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS**

**NOW COMES** Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA" or "Agency"), by its attorney, Charles E. Matoesian, and hereby submits this second errata and first notice comments in the above rulemaking proceeding. The Illinois EPA appreciates the Illinois Pollution Control Board's ("Board" or "IPCB") efforts in this rulemaking to amend 35 Ill. Adm. Code, new Part 229. The Illinois EPA believes the proposed amendments of Part 229 will reduce emissions from hospital/medical/infectious waste incinerators. The Agency also thanks the Board for this opportunity to present comments.

**1. Section 229.142 Initial Performance Testing and Establishment of Operating Parameters for all HMIWIs**

The Illinois EPA believes it made a typographical error which is reflected in the Boards order at Section 229.142(b)(1). In the Board's order of June 16, 2011, subsection (b)(1) stated "[e]xcept as provided in Section 229.115(a)(2)(B)(v) of this Part..." The citation contains an error, the text should read, "[e]xcept as provided in Section 229.115(b)(2)(B)(v) ~~(a)(2)(B)(v)~~ of this Part..."

2. The Board also noted on page 13 of its June 16, 2011, order that "[t]he first notice proposal also reflects editorial changes to the Agency's proposal by the Board at 229.116(a)(2), (b) and (c), on which the Agency is encouraged to comment." Upon reflection, the Agency disagrees with the Boards changes to 229.116(a)(2) and (b). In

both subsections, the Board removed the cross-cite to (a)(1). The Board edited the subsections to remove the cross-cite as below:

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- 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.
- b) Take the following affirmative steps to demonstrate that the HMIWI has been rendered permanently inoperable by September 15, 2000, for an HMIWI as defined in Section 229.110 (a)(1), or by January 1, 2014 for an HMIWI as defined in Sections 229.110 ~~(a)(1)~~ and (a)(2) of this Part:

The Illinois EPA, however, believes the rule is better with the cross-cite to subsection (a)(1) in both 229.116(a)(2) and (b). They should thus be amended to read:

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- 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.
- b) Take the following affirmative steps to demonstrate that the HMIWI has been rendered permanently inoperable by September 15, 2000, for an HMIWI as defined in Section 229.110 (a)(1), or by January 1, 2014 for an HMIWI as defined in Sections 229.110 (a)(1) and (a)(2) of this Part:

The Agency agrees with the Board's editorial change to Section 229.116(c).

cSTATE OF ILLINOIS )  
 ) SS  
COUNTY OF SANGAMON )

**CERTIFICATE OF SERVICE**

I, the undersigned, on oath state that I have served electronically the attached ILLINOIS EPA FIRST NOTICE COMMENTS AND THIRD ERRATA TO HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS upon the following persons:

**John Therriault, Clerk  
Illinois Pollution Control Board  
State of Illinois Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601**

**Matthew J. Dunn, Chief  
Environmental  
Enforcement/Asbestos  
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ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

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

Dated: August 16, 2011  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217.782.5544  
217.782.9143 (TDD)