

## FACT SHEET

### PROPOSED AMENDMENTS TO NEW SOURCE PERFORMANCE STANDARDS AND EMISSION GUIDELINES FOR HOSPITAL, MEDICAL, AND INFECTIOUS WASTE INCINERATORS

#### ACTION

- On January 26, 2007, the Environmental Protection Agency (EPA) proposed revisions to the September 1997 new source performance standards (NSPS) and emission guidelines to control emissions from existing hospital, medical, and infectious waste incinerators (HMIWI).
- The proposed action responds to the Court remand of the HMIWI regulations and implements the terms of a settlement agreement on the remand reached with the Sierra Club.
- The proposed action also addresses the five-year review provisions required by the Clean Air Act (CAA) and revises the NSPS and emission guidelines based on the five-year review. The proposal reflects the levels of performance actually achieved by the emission controls installed to meet the HMIWI regulations.
- In preparation for the proposed action, EPA revised the original analysis that leads to the 1997 emission levels, called the maximum achievable control technology (MACT) floor analysis. EPA revised the analysis to address concerns raised in the remand and developed new emission limits based on the revised analysis.
- Also in preparation for the proposed action, EPA gathered current HMIWI inventory and emissions data and used this information to develop the five-year review emission limits.
- EPA is proposing to revise the NSPS and emission guidelines to include the more stringent emission limits resulting from the two analyses.
- The proposed emission limits can be achieved with the same technology being used by currently operating HMIWI. EPA expects that 22 of the 76 currently operating HMIWI will find it necessary to make modest improvements in performance in order to meet the proposed emission limits. As a result of those modest improvements, EPA estimates that a total of 24,700 pounds per year of the regulated pollutants would be reduced. Of this amount, acid gases (i.e., hydrogen chloride and sulfur dioxide) comprise about 86 percent, particulate matter about 11 percent, carbon monoxide about 1.6 percent, nitrogen

oxides about 1 percent, and metals (i.e., lead, cadmium, and mercury) and dioxins/furans about 0.3 percent.

- EPA estimates that the total nationwide costs for the 76 currently operating HMIWI to comply with the proposed revisions will be approximately \$490,000 in the first year and \$310,000 in subsequent years. EPA does not expect these nationwide costs or the facility level costs to cause any significant economic impacts.
- EPA does not anticipate any new HMIWI, so there is no cost expected due to the implementation of the proposed standards, if finalized, for HMIWI installed after publication of the current proposal.
- Comments may be submitted on this action for 60 days following publication of the proposed rule in the Federal Register.

## **BACKGROUND**

- The CAA requires EPA to develop and adopt NSPS and emission guidelines for solid waste incineration units including hospital/medical/infectious waste incinerators. The CAA also requires EPA to review and, if appropriate, revise the NSPS and emission guidelines every five years after the initial promulgation.
- There were approximately 2,400 HMIWI operating in the United States at the time EPA adopted the 1997 NSPS and emission guidelines.
- The NSPS and emission guidelines require new and existing HMIWI to control emissions of hydrogen chloride, carbon monoxide, lead, cadmium, mercury, particulate matter, dioxins/furans, nitrogen oxides, and sulfur dioxide to levels that reflect the degree of emission reduction based on MACT.
- On November 14, 1997, the Sierra Club and the Natural Resources Defense Council filed suit in the U.S. Court of Appeals for the District of Columbia Circuit challenging EPA's methodology for adopting the HMIWI regulations.
- On March 2, 1999, the Court issued its opinion, rejecting Sierra Club's and Natural Resources Defense Council's statutory interpretations of the CAA, but remanding the rule to EPA for further explanation of the Agency's reasoning in determining the minimum regulatory emission limits or "floors" for new and existing HMIWI.
- The Court did not vacate the regulations, stating that it was possible EPA could adequately address the Court's concerns. The NSPS and emission guidelines remained in effect during the remand and were fully implemented by September 2002.

- On February 15, 2005, Sierra Club filed a petition seeking a court order requiring EPA to respond to the Court's remand of the HMIWI regulations.
- On January 27, 2006, EPA and the petitioner reached a settlement agreement requiring EPA to issue a proposed rulemaking in response to the remand within one year after the settlement agreement, and issue a final rulemaking within two years after the settlement agreement.
- In addition to responding to the Court's remand, this action also proposes to revise the emission limits based on the required five-year review.

#### **FOR MORE INFORMATION**

- Interested parties can download the notice of proposal from EPA's website at the following address: [www.epa.gov/ttn/oarpg/t3pfpr.html](http://www.epa.gov/ttn/oarpg/t3pfpr.html).
- Today's proposed rule and other background information are also available either electronically at <http://www.regulations.gov>, EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
  - The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
  - Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
  - Materials for this proposed action can be accessed using Docket ID No. Docket ID No. EPA-HQ-OAR-2006-0534.
- For further information about the proposed action, contact Ms. Mary Johnson of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-5025 or by e-mail at [johnson.mary@epa.gov](mailto:johnson.mary@epa.gov).