

FACT SHEET

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

ACTION

- On November 14, 2008, 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 satisfies the CAA requirement to conduct a review of the standards every 5 years.
- To address concerns raised in the remand, EPA recalculated the maximum achievable control technology (MACT) floors for existing and new HMIWI and developed new emission limits. The MACT floor level of control is the minimum level of stringency that can be considered in establishing MACT standards.
- The proposed emission limits would require improvements in performance for all of the 57 currently operating HMIWI. EPA estimates that a total of 468,000 pounds per year of the regulated pollutants would be reduced, of which acid gases (i.e., hydrogen chloride and sulfur dioxide) comprise about 60 percent, particulate matter about 6 percent, carbon monoxide about 1.5 percent, nitrogen oxides about 32 percent, and metals (i.e., lead, cadmium, and mercury) and dioxins/furans about 0.2 percent.
- EPA estimates that the total nationwide costs for the 57 currently operating HMIWI to comply with the proposed rule revisions will be approximately \$21.1 million per year. EPA also estimates that the cost of an available disposal alternative would be about \$10.6 million, or roughly half of the estimated compliance costs.
- EPA does not expect the facilities with HMIWI to be significantly impacted, whether the compliance costs are passed on or absorbed.
- Comments may be submitted on this action for 75 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 5 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 6, 2007, EPA published a notice that proposed the Agency's response to the questions raised in the Court's remand and that also proposed its response to the CAA requirement to review the NSPS and emission guidelines every 5 years.
- Rulings by the U.S. Court of Appeals that issued after the 2007 proposal was published and issues raised in public comments regarding the 2007 proposal resulted in EPA choosing to reassess the MACT floor approach used in the 2007 remand response proposal.
- On December 7, 2007, EPA and the petitioner reached a settlement agreement requiring EPA to issue a proposed rulemaking in response to the remand by November 15, 2008, and issue a final rulemaking by September 15, 2009.

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.
- This 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. EPA-HQ-OAR-2006-0534.
- For further information about the proposed action, contact Mr. Ketan Patel of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Natural Resources and Commerce Group at (919) 541-9736 or by e-mail at patel.ketan@epa.gov. Mr. Patel is the new contact for the proposed action, replacing Mary Johnson, who was cited as the contact in the Federal Register notice.