

## **FACT SHEET**

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

#### **ACTION**

- On September 15, 2009, the Environmental Protection Agency (EPA) issued final 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).
- 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 standards under Section 129 of the Clean Air Act.
- The final emission limits will require improvements in performance for 50 of the 57 currently operating HMIWI. EPA estimates that a total of 393,000 pounds per year of the regulated pollutants will be reduced, of which acid gases (i.e., hydrogen chloride and sulfur dioxide) comprise about 62 percent, particulate matter about 0.8 percent, carbon monoxide about 0.3 percent, nitrogen oxides about 37 percent, and metals (i.e., lead, cadmium, and mercury) and dioxins/furans about 0.2 percent.
- EPA estimates that the total nationwide cost for the 57 currently operating HMIWI to comply with the final rule revisions will be approximately \$15.5 million per year. EPA also estimates that the cost of an available disposal alternative would be about \$10.6 million, or roughly two-thirds of the estimated compliance costs.
- Based on the stringency of revisions being promulgated for the NSPS, EPA does not anticipate any new HMIWI, and therefore, no impacts of the revised NSPS for new units.
- EPA does not expect most facilities with HMIWI to be significantly impacted, whether the compliance costs are passed on or absorbed.
- Of the 44 companies and other entities that own HMIWI, there is one small business, which owns two HMIWI impacted by the final rule.

#### **FINAL RULE SUMMARY**

- The final amendments to the HMIWI regulations include:
  - Strengthened existing emission limits for all regulated pollutants

- Additional stack testing requirements for existing and new sources
- Additional monitoring requirements for new sources
- Annual inspections of emission control devices
- One-time visible emissions test of ash handling operations
- Procedures for test data submittal
- Revised waste management plan provisions

## **BACKGROUND**

- The Clean Air Act requires EPA to develop and adopt NSPS and emission guidelines for solid waste incineration units including hospital/medical/infectious waste incinerators. The Act 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 Act, 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 Clean Air Act requirement to review the NSPS and emission guidelines every five years.
- After evaluating rulings by the U.S. Court of Appeals that came after the 2007 proposal and considering issues raised in public comments on the proposal, EPA reassessed its approach to setting the proposed MACT floor.
- On December 7, 2007, EPA and the petitioner reached a settlement agreement requiring EPA to re-propose the rule in response to the remand by November 15, 2008, and issue a final rule by September 15, 2009.

- The final action responds to the Court remand of the HMIWI regulations and implements the terms of the settlement agreement on the remand reached with the Sierra Club. The final action also satisfies the CAA requirement to conduct a review of the standards every five years.

## **FOR MORE INFORMATION**

- Interested parties can download the final notice from EPA's website at the following address: <http://www.epa.gov/ttn/oarpg/t1pfpr.html>.
- This final 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 final action can be accessed using Docket ID No. EPA-HQ-OAR-2006-0534.
- For further information about the final 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](mailto:patel.ketan@epa.gov).