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## **EPA Issues Final Rule Tightening Performance Standards and Emission Limits for Hospital, Medical and Infectious Waste Incinerators (“HMIWI”)**

The Environmental Protection Agency (“EPA”) recently issued a final rule under the Clean Air Act, published in the October 6, 2009 Federal Register (Vol. 74, No. 192), tightening the performance standards and emission limits for Hospital, Medical and Infectious Waste Incinerators (“HMIWI”). Impacted facilities may include public and private hospitals, health care facilities, research laboratories, waste disposal services, universities and the armed services. HMIWI burn hospital, medical or infectious human or animal waste, but exclude household waste, hazardous waste or human or animal remains not generated as a medical waste. The effective dates of the rule are December 7, 2009 for existing units and April 6, 2010 for new units, however, the compliance deadlines vary depending on whether a facility is in a state with its own plan or must follow a federal plan.<sup>1</sup> Regardless of whether the Rule is enforced by the federal government or enforcement has been delegated to a state, all HMIWI must be in compliance by October 6, 2014.

The Rule lowers the emissions limits for all regulated pollutants including lead, sulfur dioxide, mercury and particulate matter. The EPA believes that most facilities will be able to meet the new requirements by using technology already available on the market, such as wet and/or dry scrubbers. The Rule also deletes the prior exemption for HMIWI during Startup, Shutdown or Malfunction periods. Additional revisions affect performance standards such as those mandating additional testing, monitoring, inspections, reporting and segregation of various wastes.

The new requirements will reduce emissions of air pollutants from existing sources by at least 393,000 pounds per year and are estimated to cost operating facilities approximately \$15.5 million per year. However, since there are other less expensive waste disposal options available and since the standards affecting new HMIWI are more onerous than under the prior rule, EPA also anticipates that as a result of this regulation, some HMIWI will shut down and no new HMIWI will be constructed.<sup>2</sup> The new regulations will be promulgated in 40 CFR Chapter 60.

- <sup>1</sup> Both state plans and the federal plan implement the regulations and must be revised to incorporate the new provisions. As there is an approved state plan in Georgia, the rule will be enforced by the Georgia Department of Natural Resources.
- <sup>2</sup> The industry is already experiencing a trend whereby many HMIWI have shut down in the past several years.

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