

XXX XX, 2013

Dennis McLerran  
Regional Administrator  
U.S. EPA Region 10  
1200 Sixth Avenue  
Seattle WA 98101

Dear Mr. McLerran,

In October 2009, the Environmental Protection Agency (EPA) promulgated Emission Guidelines (EG) for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI) at 40 CFR Part 60, Subpart Ce. Unlike the New Source Performance Standards, the EG are not themselves directly enforceable. Rather, the EG are implemented and enforced through either an EPA-approved state plan or a promulgated Federal Plan. In May of 2013, EPA promulgated the Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008. The State of Idaho Department of Environmental Quality (DEQ) requests EPA delegate to Idaho DEQ authority to implement the Federal Plan.

As described in the Federal Plan Federal Register Notice, there are four requirements in the written delegation request that must be addressed.

- 1) A demonstration of adequate resources and legal authority
- 2) A source inventory of affected units
- 3) A public hearing certification on the delegation request
- 4) An MOA that sets forth the terms of the delegation

These requirements are addressed in attachments 1-4 respectively.

DEQ requests that the delegation of this federal plan replace the existing HMIWI state plan that was approved by EPA on April 21, 2000.

If you have any questions or require additional information, please contact Tiffany Floyd at (208)373-0552.

Thank you for your attention in this matter.

Sincerely,

Curt Fransen  
Director

CAF:tc

c: Tiffany Floyd, Idaho DEQ Air Quality Administrator  
Lisa J Carlson, Deputy Attorney General  
Mike Simon, Idaho DEQ Stationary Source Program Manager

**Attachment 1:**

**Demonstration of adequate legal authority and resources to implement the Federal Plan.**

DEQ's air quality protection efforts are designed to assure compliance with federal and state air quality standards. Responsibility for protecting Idaho's outdoor (ambient) air quality is shared by DEQ's Air Quality Division, based in the agency's state office in Boise, and DEQ's regional offices located in Boise, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello, and Twin Falls. Air quality programs and policies are developed in the state office and implemented throughout the state by DEQ's regional offices. Idaho DEQ has been delegated authority by EPA to issue air quality permits and enforce air quality regulations.

Idaho's air quality laws are located in the Idaho Environmental Protection and Health Act (EPHA), Idaho Code §§ 39-101 through 39-130. The Rules for the Control of Air Pollution in Idaho are located in the Idaho Administrative Procedures Act (IDAPA) 58.01.01.

As part of DEQ's annual incorporation by reference (IBR) rulemaking, Idaho DEQ is proposing to incorporate by reference the Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators (HMIWI) Constructed on or Before December 1, 2008, 40 CFR Part 62, Subpart HHH, revised as of July 1, 2013. In the same proposed rulemaking, DEQ is removing the outdated HMIWI state plan (Sections IDAPA 58.01.01.861-862). The public hearing for this proposed rulemaking is also serving as the public hearing for the Federal Plan Delegation request. See Attachment 3 below.

Proposed Rule:

# IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

## 58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1301

### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this proposed rulemaking will be held as follows:

**Monday, September 9, 2013, 3:00 p.m.**

**Department of Environmental Quality  
Conference Room A  
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

**DESCRIPTIVE SUMMARY:** This rulemaking is necessary to ensure that the Rules for the Control of Air Pollution in Idaho are consistent with federal regulations. This proposed rule updates citations to federal regulations incorporated by reference at Section 107 to include those revised as of July 1, 2013.

Subsection 107.03.c. has been revised to ensure the incorporation by reference of 40 CFR Part 52 is aligned with Subsection 107.01. The added text underscores Idaho's intent to incorporate by reference federal regulations that apply to Idaho, not the rules and plans developed by other states that have been federally approved for the purposes of those states' implementation plans.

In addition, Sections 861 and 862, regarding hospital/medical/infectious waste incinerators, have been deleted to remove requirements that have been superseded by recent updates to 40 CFR Parts 60 and 62. 40 CFR Part 60 and 40 CFR Part 62, Subpart HHH, are incorporated by reference into the proposed rule at Section 107. These changes allow DEQ to maintain EPA approval to regulate these sources. To ensure compliance with the statutory provisions regarding medical waste combustors, Section 39-128, Idaho Code, has been incorporated by reference into the proposed rule at Section 107.

DEQ intends to hold a public hearing regarding Idaho's request for continued EPA approval to regulate hospital/medical/infectious waste incinerators. The Notice of Public Comment Period and Public Hearing on the Proposed Submittal for Delegation of Regulation 40 CFR Part 62, Subpart HHH, is published under Docket No. 58-0000-1304 in the Idaho Administrative Bulletin, August 7, 2013, Vol. 13-8, and is available at [www.deq.idaho.gov/58-0101-1301](http://www.deq.idaho.gov/58-0101-1301) or by contacting the undersigned.

Members of the regulated community who may be subject to Idaho's air quality rules, special interest groups, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in October 2013 for adoption of a pending rule. The rule is expected to be final and effective upon adjournment of the 2014 legislative session if adopted by the Board and approved by the Legislature. DEQ will submit the final rule to EPA for approval.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary:

Incorporation by reference is necessary to ensure that the state rules are consistent with federal regulations. Information for obtaining a copy of the federal regulations is included in the rule.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking and because DEQ has no discretion with respect to adopting the federal regulations that are necessary for EPA approval of Idaho's Title V Operating Permit Program. Whenever possible, DEQ incorporates federal regulations by reference to ensure that the state rules are consistent with federal regulations.

**IDAHO CODE SECTION 39-107D STATEMENT:** This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

**FISCAL IMPACT STATEMENT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this rulemaking, contact Tiffany Floyd at [tiffany.floyd@deq.idaho.gov](mailto:tiffany.floyd@deq.idaho.gov) or (208) 373-0440.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before September 9, 2013.

DATED this 9th day of July, 2013.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

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**THE FOLLOWING IS THE TEXT OF THE PROPOSED RULE FOR DOCKET NO. 58-0101-1301**

**107. INCORPORATIONS BY REFERENCE.**

**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards or rules which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

**02. Availability of Referenced Material.** Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

- a. All federal publications: U.S. Government Printing Office at [www.gpoaccess.gov/ecfr](http://www.gpoaccess.gov/ecfr); ~~and~~ (4-7-11)( )
- b. [Statutes of the state of Idaho: http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm](http://legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm); and ( )
- ~~b.c.~~ All documents herein incorporated by reference: (7-1-97)
0502. i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373- (7-1-97)
- ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)
- 03. Documents Incorporated by Reference.** The following documents are incorporated by reference into these rules: (5-1-94)
- a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, 40 CFR Part 51 revised as of July 1, 201~~2~~<sup>3</sup>. The following portions of 40 CFR Part 51 are expressly excluded from any incorporation by reference into these rules: (4-4-13)( )
- i. All sections included in 40 CFR Part 51, Subpart P, Protection of Visibility, except that 40 CFR 51.301, 51.304(a), 51.307, and 51.308 are incorporated by reference into these rules; and (3-30-07)
- ii. Appendix Y to Part 51, Guidelines for BART Determinations Under the Regional Haze Rule. (3-30-07)
- b. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- c. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, [Subparts A and N and Appendices D and E](#), revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- 201~~2~~<sup>3</sup>. d. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, (4-4-13)( )
- e. Ambient Air Quality Surveillance, 40 CFR Part 58, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- f. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- 201~~2~~<sup>3</sup>. g. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, (4-4-13)( )
- [h. Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008, 40 CFR Part 62, Subpart HHH, revised as of July 1, 2013.](#) ( )
- ~~h.i.~~ National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- ~~h.j.~~ Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- ~~h.k.~~ State Operating Permit Programs, 40 CFR Part 70, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- ~~h.l.~~ Permits, 40 CFR Part 72, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )
- ~~h.m.~~ Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, 201~~2~~<sup>3</sup>. (4-4-13)( )

- ~~m~~n. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, 2012~~3~~. (4-4-13)( )
- ~~n~~o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
- ~~p~~. Medical Waste Combustors, Section 39-128, Idaho Code (1992). ( )
- ~~o~~g. Determining Conformity of Federal Actions to State or Federal Implementation Plans: Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, 40 CFR Part 93, Subpart A, Sections 93.100 through 93.129, revised as of July 1, 2012~~3~~, except that Sections 93.102(c), 93.104(d), 93.104(e)(2), 93.105, 93.109(c)-(f), 93.118(e), 93.119(f)(3), 93.120(a)(2), 93.121(a)(1), and 93.124(b) are expressly omitted from the incorporation by reference. (4-4-13)( )

(BREAK IN CONTINUITY OF SECTIONS)

~~861. STANDARDS OF PERFORMANCE FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS THAT COMMENCED CONSTRUCTION AFTER JUNE 20, 1996, OR FOR WHICH MODIFICATION IS COMMENCED AFTER MARCH 16, 1998.~~

- ~~01. Applicability. All owners or operators of each individual hospital/medical/infectious waste incinerator for which construction is commenced after June 20, 1996 or for which modification is commenced after March 16, 1998 are subject to Section 861 except as noted in Subsection 861.02. (4-5-00)~~
- ~~02. Exemptions. (4-5-00)~~
- ~~a. A combustor is not subject to Section 861 during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor: (4-5-00)~~
- ~~i. Notifies the Department of an exemption claim; and (4-5-00)~~
- ~~ii. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste and/or chemotherapeutic waste is burned. (4-5-00)~~
- ~~b. Any co-fired combustor is not subject to Section 861 if the owner or operator of the co-fired combustor: (4-5-00)~~
- ~~i. Notifies the Department of an exemption claim; (4-5-00)~~
- ~~ii. Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and (4-5-00)~~
- ~~iii. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor. (4-5-00)~~
- ~~c. Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to Section 861; (4-5-00)~~
- ~~d. Any combustor which meets the applicability requirements under 40 CFR Part 60, Subparts Cb, Ea or Eb (relates to certain municipal waste combustors) is not subject to Section 861; (4-5-00)~~
- ~~e. Any pyrolysis unit is not subject to Section 861; (4-5-00)~~

- ~~f. Cement kilns firing hospital waste and/or medical/infectious waste are not subject to Section 861; (4-5-00)~~
- ~~g. Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission guidelines under 40 CFR Part 60, Subpart Cc are not considered a modification and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to Section 861; (4-5-00)~~
- ~~h. Affected facilities subject to Section 861 are not subject to the requirements of 40 CFR Part 64. (4-5-00)~~
- ~~03. Definitions. As used in Section 861, definitions shall have the meaning given in 40 CFR Part 60 including, but not limited to: (4-5-00)~~
- ~~a. "Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. (4-5-00)~~
- ~~b. "Co-fired combustor" means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel-feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low-level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted. (4-5-00)~~
- ~~e. "Hospital" means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty-four (24) hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuous medical supervision. (4-5-00)~~
- ~~d. "Hospital/medical/infectious waste incinerator" or HMIWI means any device that combusts any amount of hospital waste and/or medical/infectious waste. (4-5-00)~~
- ~~e. "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. This definition does not include human corpses, remains and anatomical parts intended for interment or cremation. (4-5-00)~~
- ~~f. "Infectious agent" means any organism such as a virus or bacteria that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans. (4-5-00)~~
- ~~g. "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)). (4-5-00)~~
- ~~h. "Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals that is listed in Subsections 861.03.h.i. through 861.03.h.vii. The definition of medical/infectious waste does not include hazardous waste identified or listed under 40 CFR Part 261; household waste as defined in 40 CFR Section 261.4(b)(1); ash from incineration of medical/infectious waste once the incineration process is completed; human corpses, remains, and anatomical parts intended for interment or cremation; and domestic sewage materials identified in 40 CFR Section 261.4(a)(1). (4-5-00)~~
- ~~i. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial~~

~~laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate and mix cultures. (4-5-00)~~

~~ii. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers. (4-5-00)~~

~~iii. Human blood and blood products including: (4-5-00)~~

~~(1) Liquid waste human blood; (4-5-00)~~

~~(2) Products of blood; (4-5-00)~~

~~(3) Items saturated and/or dripping with human blood; or (4-5-00)~~

~~(4) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category. (4-5-00)~~

~~iv. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips. (4-5-00)~~

~~v. Animal waste including contaminated animal carcasses, body parts and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals. (4-5-00)~~

~~vi. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases. (4-5-00)~~

~~vii. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes and scalpel blades. (4-5-00)~~

~~i. "Modification or modified hospital/medical/infectious waste incinerator" means any change to a hospital/medical/infectious waste incinerator unit after July 2, 1999: (4-5-00)~~

~~(1) The cumulative costs of the modifications, over the life of the unit, exceed fifty percent (50%) of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or (4-5-00)~~

~~(2) The change involves a physical change or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under Sections 129 or 111 of the Clean Air Act. (4-5-00)~~

~~j. "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material and animal bedding (if applicable); (4-5-00)~~

~~k. "Pyrolysis" means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy. (4-5-00)~~

~~04. **Requirements.** The following requirements apply to all owners or operators of HMIWI subject to Section 861. (4-5-00)~~

~~a. All owners or operators of hospital/medical/infectious waste incinerators subject to Section 861 must comply with 40 CFR Part 60, Subpart Ee as incorporated by reference into these rules at Section 107. Where "Administrator" or "EPA" appears in 40 CFR Part 60, "Department" shall be substituted, except in any section of 40 CFR Part 60 for which a federal rule or delegation specifically indicates that authority will not be delegated to the state. (4-5-00)~~

~~b. Beginning September 15, 2000 or on the effective date of an EPA approved operating permit program under Clean Air Act Title V and the implementing regulations under 40 CFR Part 70, whichever date is later, affected facilities shall operate pursuant to a permit issued under the EPA approved state operating permit program. (4-5-00)~~

~~e. All owners or operators of hospital/medical/infectious waste incinerators subject to Section 861 must comply with provisions of Section 39-128, Idaho Code. (3-15-02)~~

~~**862. EMISSION GUIDELINES FOR HOSPITAL/MEDICAL/INFECTIOUS WASTE INCINERATORS THAT COMMENCED CONSTRUCTION BEFORE JUNE 20, 1996.**~~

~~**01. Applicability.** All owners or operators of each individual hospital/medical/infectious waste incinerator for which construction is commenced on or before June 20, 1996, are subject to Section 862 except as noted in Subsection 862.02. (4-5-00)~~

~~**02. Exemptions.** (4-5-00)~~

~~a. A combustor is not subject to Section 862 during periods when only pathological waste, low level radioactive waste, and/or chemotherapeutic waste is burned, provided the owner or operator of the combustor: (4-5-00)~~

~~i. Notifies the Department of an exemption claim; and (4-5-00)~~

~~ii. Keeps records on a calendar quarter basis of the periods of time when only pathological waste, low level radioactive waste and/or chemotherapeutic waste is burned. (4-5-00)~~

~~b. Any co-fired combustor is not subject to Section 862 if the owner or operator of the co-fired combustor: (4-5-00)~~

~~i. Notifies the Department of an exemption claim; (4-5-00)~~

~~ii. Provides an estimate of the relative amounts of hospital waste, medical/infectious waste, and other fuels and wastes to be combusted; and (4-5-00)~~

~~iii. Keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor. (4-5-00)~~

~~e. Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to Section 862. (4-5-00)~~

~~d. Any combustor which meets the applicability requirements under 40 CFR Part 60, Subparts Cb, Ea or Eb (relates to certain municipal waste combustors) is not subject to Section 862. (4-5-00)~~

~~e. Any pyrolysis unit is not subject to Section 862. (4-5-00)~~

~~f. Cement kilns firing hospital waste and/or medical/infectious waste are not subject to Section 862. (4-5-00)~~

~~g. Physical or operational changes made to an existing hospital/medical/infectious waste incinerator solely for the purpose of complying with emission guidelines under 40 CFR Part 60, Subpart Ce are not considered a~~

~~modification and do not result in an existing hospital/medical/infectious waste incinerator becoming subject to Section 862.~~ (4-5-00)

~~h. Affected facilities subject to Section 862 are not subject to the requirements of 40 CFR Part 64.~~ (4-5-00)

~~03. Definitions. As used in Section 862, definitions shall have the meaning given in 40 CFR Part 60 including, but not limited to:~~ (4-5-00)

~~a. "Chemotherapeutic waste" means waste material resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells.~~ (4-5-00)

~~b. "Co-fired combustor" means a unit combusting hospital waste and/or medical/infectious waste with other fuels or wastes (e.g., coal, municipal solid waste) and subject to an enforceable requirement limiting the unit to combusting a fuel feed stream, ten percent (10%) or less of the weight of which is comprised, in aggregate, of hospital waste and medical/infectious waste as measured on a calendar quarter basis. For purposes of this definition, pathological waste, chemotherapeutic waste, and low level radioactive waste are considered "other" wastes when calculating the percentage of hospital waste and medical/infectious waste combusted.~~ (4-5-00)

~~e. "Hospital" means any facility which has an organized medical staff, maintains at least six (6) inpatient beds, and where the primary function of the institution is to provide diagnostic and therapeutic patient services and continuous nursing care primarily to human inpatients who are not related and who stay on average in excess of twenty four (24) hours per admission. This definition does not include facilities maintained for the sole purpose of providing nursing or convalescent care to human patients who generally are not acutely ill but who require continuous medical supervision.~~ (4-5-00)

~~d. "Hospital/medical/infectious waste incinerator" or HMIWI means any device that combusts any amount of hospital waste and/or medical/infectious waste.~~ (4-5-00)

~~e. "Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. This definition does not include human corpses, remains and anatomical parts intended for interment or cremation.~~ (4-5-00)

~~f. "Infectious agent" means any organism such as a virus or bacteria that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.~~ (4-5-00)

~~g. "Large HMIWI," except as provided in Subsections 862.03.g.iv.(1) and 862.03.g.iv.(2), means:~~ (4-5-00)

~~i. A HMIWI whose maximum design waste burning capacity is more than five hundred (500) pounds per hour; or~~ (4-5-00)

~~ii. A continuous or intermittent HMIWI whose maximum charge rate is more than five hundred (500) pounds per hour; or~~ (4-5-00)

~~iii. A batch HMIWI whose maximum charge rate is more than four thousand (4,000) pounds per day.~~ (4-5-00)

~~iv. The following are not large HMIWI:~~ (4-5-00)

~~(1) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to five hundred (500) pounds per hour; or~~ (4-5-00)

~~(2) A batch HMIWI whose maximum charge rate is less than or equal to four thousand (4,000) pounds per day.~~ (4-5-00)

~~h. “Low-level radioactive waste” means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed applicable federal or state standards for unrestricted release. Low-level radioactive waste is not high-level radioactive waste, spent nuclear fuel, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)(2)). (4-5-00)~~

~~i. “Medical/infectious waste” means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in Subsections 862.03.i.i. through 862.03.i.vii. The definition of medical/infectious waste does not include hazardous waste identified or listed under 40 CFR Part 261; household waste as defined in 40 CFR Section 261.4(b)(1); ash from incineration of medical/infectious waste once the incineration process is completed; human corpses, remains, and anatomical parts intended for interment or cremation; and domestic sewage materials identified in 40 CFR Section 261.4(a)(1). (4-5-00)~~

~~i. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate and mix cultures; (4-5-00)~~

~~ii. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers. (4-5-00)~~

~~iii. Human blood and blood products including: (4-5-00)~~

~~(1) Liquid waste human blood; (4-5-00)~~

~~(2) Products of blood; (4-5-00)~~

~~(3) Items saturated and/or dripping with human blood; or (4-5-00)~~

~~(4) Items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also included in this category. (4-5-00)~~

~~iv. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips. (4-5-00)~~

~~v. Animal waste including contaminated animal carcasses, body parts and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals. (4-5-00)~~

~~vi. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases. (4-5-00)~~

~~vii. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes and scalpel blades. (4-5-00)~~

~~j. “Medium HMIWI”: (4-5-00)~~

~~i. Except as provided in Subsection 862.03.j.ii., medium HMIWI means: (4-5-00)~~

~~(1) A HMIWI whose maximum design waste burning capacity is more than two hundred (200) pounds~~

- ~~per hour but less than or equal to five hundred (500) pounds per hour; or (4-5-00)~~
- ~~(2) A continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour but less than or equal to five hundred (500) pounds per hour; or (4-5-00)~~
- ~~(3) A batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day but less than or equal to four thousand (4,000) pounds per day. (4-5-00)~~
- ~~ii. The following are not medium HMIWI: (4-5-00)~~
- ~~(1) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour or more than five hundred (500) pounds per hour; or (4-5-00)~~
- ~~(2) A batch HMIWI whose maximum charge rate is more than four thousand (4,000) pounds per day or less than or equal to one thousand six hundred (1,600) pounds per day. (4-5-00)~~
- ~~k. "Modification or modified hospital/medical/infectious waste incinerator" means any change to a HMIWI unit after July 2, 1999: (4-5-00)~~
- ~~i. The cumulative costs of the modifications, over the life of the unit, exceed fifty percent (50%) of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or (4-5-00)~~
- ~~ii. The change involves a physical change or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under Sections 129 or 111 of the Clean Air Act. (4-5-00)~~
- ~~l. "Pathological waste" means waste material consisting of only human or animal remains, anatomical parts, and/or tissue, the bags/containers used to collect and transport the waste material and animal bedding (if applicable); (4-5-00)~~
- ~~m. "Pyrolysis" means the endothermic gasification of hospital waste and/or medical/infectious waste using external energy; (4-5-00)~~
- ~~n. "Small HMIWI": (4-5-00)~~
- ~~i. Except as provided in Subsection 862.03.n.ii., small HMIWI means: (4-5-00)~~
- ~~(1) A HMIWI whose maximum design waste burning capacity is less than or equal to two hundred (200) pounds per hour; or (4-5-00)~~
- ~~(2) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to two hundred (200) pounds per hour; or (4-5-00)~~
- ~~(3) A batch HMIWI whose maximum charge rate is less than or equal to one thousand six hundred (1,600) pounds per day. (4-5-00)~~
- ~~ii. The following are not small HMIWI: (4-5-00)~~
- ~~(1) A continuous or intermittent HMIWI whose maximum charge rate is more than two hundred (200) pounds per hour; or (4-5-00)~~
- ~~(2) A batch HMIWI whose maximum charge rate is more than one thousand six hundred (1,600) pounds per day. (4-5-00)~~
- ~~04. Requirements. The following requirements apply to all owners or operators of HMIWI subject to Section 862: (4-5-00)~~

~~a. Except as provided in Subsection 862.04.b., all owners or operators of HMIWI subject to Section 862 shall comply with the following requirements within one (1) year after EPA approval of the State Plan: (4-5-00)~~

- ~~i. Emission limits: (4-5-00)~~
- ~~(1) Small HMIWI: (4-5-00)~~
- ~~(a) Particulate matter: One hundred fifteen (115) milligrams per dry standard cubic meter (mg/dscm): (4-5-00)~~
- ~~(b) Carbon monoxide: Forty (40) parts per million by volume (ppm): (4-5-00)~~
- ~~(c) Dioxins/furans: One hundred twenty five (125) nanograms per dry standard cubic meter (ng/dscm): (4-5-00)~~
- ~~(d) Hydrogen chloride: One hundred (100) ppm or ninety three percent (93%) reduction. (4-5-00)~~
- ~~(e) Sulfur dioxide: Fifty five (55) ppm. (4-5-00)~~
- ~~(f) Nitrogen oxides: Two hundred fifty (250) ppm. (4-5-00)~~
- ~~(g) Lead: One point two (1.2) mg/dscm or seventy percent (70%) reduction. (4-5-00)~~
- ~~(h) Cadmium: Point sixteen (0.16) mg/dscm or sixty five percent (65%) reduction. (4-5-00)~~
- ~~(i) Mercury: Point fifty five (0.55) mg/dscm or eighty five percent (85%) reduction. (4-5-00)~~
- ~~(2) Medium HMIWI: (4-5-00)~~
- ~~(a) Particulate matter: Sixty nine (69) mg/dscm. (4-5-00)~~
- ~~(b) Carbon monoxide: Forty (40) ppm. (4-5-00)~~
- ~~(c) Dioxins/furans: One hundred twenty five (125) ng/dscm. (4-5-00)~~
- ~~(d) Hydrogen chloride: One hundred (100) ppm or ninety three percent (93%) reduction. (4-5-00)~~
- ~~(e) Sulfur dioxide: Fifty five (55) ppm. (4-5-00)~~
- ~~(f) Nitrogen oxides: Two hundred fifty (250) ppm. (4-5-00)~~
- ~~(g) Lead: One point two (1.2) mg/dscm or seventy percent (70%) reduction. (4-5-00)~~
- ~~(h) Cadmium: Point sixteen (0.16) mg/dscm or sixty five (65%) reduction. (4-5-00)~~
- ~~(i) Mercury: Point fifty five (0.55) mg/dscm or eighty five percent (85%) reduction. (4-5-00)~~
- ~~(3) Large HMIWI: (4-5-00)~~
- ~~(a) Particulate matter: Thirty four (34) mg/dscm. (4-5-00)~~
- ~~(b) Carbon monoxide: Forty (40) ppm. (4-5-00)~~
- ~~(c) Dioxins/furans: One hundred twenty five (125) ng/dscm; (4-5-00)~~
- ~~(d) Hydrogen chloride: One hundred (100) ppm or ninety three percent (93%) reduction. (4-5-00)~~

- ~~(e) Sulfur dioxide: Fifty five (55) ppm. (4-5-00)~~
- ~~(f) Nitrogen oxides: Two hundred fifty (250) ppm. (4-5-00)~~
- ~~(g) Lead: One point two (1.2) mg/dsem or seventy percent (70%) reduction. (4-5-00)~~
- ~~(h) Cadmium: Point sixteen (0.16) mg/dsem or sixty five percent (65%) reduction. (4-5-00)~~
- ~~(i) Mercury: Point fifty five (0.55) mg/dsem or eighty five (85%) reduction. (4-5-00)~~
- ~~ii. Stack opacity requirements as provided in 40 CFR Section 60.52c(b) of Subpart Ee. (4-5-00)~~
- ~~iii. Operator training and qualification requirements as provided in 40 CFR Section 60.53e of Subpart Ee. (4-5-00)~~
- ~~iv. Waste management plan as provided in 40 CFR Section 60.55e of Subpart Ee. (4-5-00)~~
- ~~v. Compliance and performance testing as provided in 40 CFR Section 60.56e of Subpart Ee excluding the fugitive emissions testing requirements under Section 60.56e(b)(12) and (c)(3) of Subpart Ee. (4-5-00)~~
- ~~vi. Monitoring requirements as provided in 40 CFR Section 60.57e of Subpart Ee. (4-5-00)~~
- ~~vii. Reporting and recordkeeping requirements as provided in 40 CFR Section 60.58e(b) (f) of Subpart Ee excluding fugitive emissions under Section 60.58e(b)(2)(ii) and siting under Section 60.58e(b)(7). (4-5-00)~~
- ~~viii. Permit requirements. Beginning September 15, 2000 or on the effective date of an EPA approved operating permit program under Clean Air Act title V and the implementing regulations under 40 CFR Part 70, whichever date is later, affected facilities shall operate pursuant to a permit issued under the EPA approved state operating permit program. (4-5-00)~~
- ~~**b.** All owners or operators of small HMIWI that are located more than fifty (50) miles from the boundary of the nearest Standard Metropolitan Statistical Area and which burn less than two thousand (2,000) pounds per week of hospital/medical/infectious waste, shall comply with the following requirements within one (1) year after EPA approval of the State plan in lieu of the requirements in Subsection 862.04.a.:~~
  - ~~i. Emission limits:~~
    - ~~(1) Particulate matter: One hundred ninety seven (197) mg/dsem. (4-5-00)~~
    - ~~(2) Carbon monoxide: Forty (40) ppm. (4-5-00)~~
    - ~~(3) Dioxins/furans: Eight hundred (800) ng/dsem. (4-5-00)~~
    - ~~(4) Hydrogen chloride: Three thousand one hundred (3,100) ppm. (4-5-00)~~
    - ~~(5) Sulfur dioxide: Fifty five (55) ppm. (4-5-00)~~
    - ~~(6) Nitrogen oxides: Two hundred fifty (250) ppm. (4-5-00)~~
    - ~~(7) Lead: Ten (10) mg/dsem. (4-5-00)~~
    - ~~(8) Cadmium: Four (4) mg/dsem. (4-5-00)~~
    - ~~(9) Mercury: Seven point five (7.5) mg/dsem. (4-5-00)~~
  - ~~ii. Stack opacity requirements as provided in 40 CFR Section 60.52c(b) of Subpart Ee. (4-5-00)~~

- ~~iii. Initial equipment inspection which, at a minimum includes the following: (4-5-00)~~
- ~~(1) Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation; clean pilot flame sensor, as necessary; (4-5-00)~~
- ~~(2) Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary; (4-5-00)~~
- ~~(3) Inspect hinges and door latches, and lubricate as necessary; (4-5-00)~~
- ~~(4) Inspect dampers, fans, and blowers for proper operation; (4-5-00)~~
- ~~(5) Inspect HMIWI door and door gaskets for proper sealing; (4-5-00)~~
- ~~(6) Inspect motors for proper operation; (4-5-00)~~
- ~~(7) Inspect primary chamber refractory lining; clean and repair/replace lining as necessary; (4-5-00)~~
- ~~(8) Inspect incinerator shell for corrosion and/or hot spots; (4-5-00)~~
- ~~(9) Inspect secondary/tertiary chamber and stack, clean as necessary; (4-5-00)~~
- ~~(10) Inspect mechanical loader, including limit switches, for proper operation, if applicable; (4-5-00)~~
- ~~(11) Visually inspect waste bed (grates), and repair/seal, as appropriate; (4-5-00)~~
- ~~(12) For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments; (4-5-00)~~
- ~~(13) Inspect air pollution control device(s) for proper operation, if applicable; (4-5-00)~~
- ~~(14) Inspect waste heat boiler systems to ensure proper operation, if applicable; (4-5-00)~~
- ~~(15) Inspect bypass stack components; (4-5-00)~~
- ~~(16) Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and (4-5-00)~~
- ~~(17) Generally observe that the equipment is maintained in good operating condition. (4-5-00)~~
- ~~iv. Equipment repairs. Within ten (10) operating days following an equipment inspection all necessary repairs shall be completed unless the owner or operator obtains written approval from the Department establishing a date whereby all necessary repairs of the designated facility shall be completed. (4-5-00)~~
- ~~v. Equipment inspection. Equipment inspections shall be conducted annually (no more than twelve (12) months following the previous annual equipment inspection), as outlined in Subsection 862.04.b.iii. and 862.04.b.iv. (4-5-00)~~
- ~~vi. Compliance and performance testing requirements as follows: (4-5-00)~~
- ~~(1) Compliance and performance testing requirements as provided in 40 CFR Section 60.56c(a)(b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1) of Subpart Ec. The two thousand (2,000) lb/week limitation under Subsection 862.04.b. does not apply during performance tests. (4-5-00)~~
- ~~(2) Establish maximum charge rate and minimum secondary chamber temperature as site specific operating parameters during the initial performance test to determine compliance with applicable emission limits.~~

~~(4-5-00)~~

~~(3) Following the date on which the initial performance test is completed or is required to be completed under 40 CFR Section 60.8, whichever date comes first, ensure that the designated facility does not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as three (3) hour rolling averages (calculated each hour as the average of the previous three (3) operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s).~~ (4-5-00)

~~(4) Except as provided in Subsection 862.04.b.vi.(5), operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three (3) hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits;~~(4-5-00)

~~(5) The owner or operator of a designated facility may conduct a repeat performance test within thirty (30) days of violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under Subsection 862.04.b.vi.(4).~~ (4-5-00)

~~vii. Monitoring requirements as follows:~~ (4-5-00)

~~(1) Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.~~ (4-5-00)

~~(2) Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.~~ (4-5-00)

~~(3) The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for seventy five percent (75%) of the operating hours per day and for ninety percent (90%) of the operating hours per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste.~~ (4-5-00)

~~viii. Reporting and recordkeeping requirements as follows:~~ (4-5-00)

~~(1) Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within ten (10) days of an inspection or the timeframe established by the Department; and~~ (4-5-00)

~~(2) Submit an annual report containing information recorded under Subsection 862.04.b.vii.(1) no later than sixty (60) days following the year in which data were collected. Subsequent reports shall be sent no later than twelve (12) calendar months following the previous report, once the unit is subject to permitting requirements under Title V of the Clean Air Act, the owner or operator must submit these reports semiannually. The report shall be signed by the facilities manager.~~ (4-5-00)

**Attachment 2:**

**Source Inventory of Idaho HMIWI**

Documents gathered during the development, promulgation and subsequent implementation of Idaho's prior state plan for HMIWI facilities indicate that Idaho does not have any operational HMIWI units. This is consistent with EPA's document dated March 15, 2013: Inventory of Hospital/Medical/Infectious Waste Incinerators Potentially Covered by the Final Section 111(d)/129 Federal Plan.

[http://www.epa.gov/ttnatw01/129/hmiwi/FP\\_HMIWI\\_Inventory\\_3\\_15\\_13\\_Final\\_for\\_Docket.xlsx](http://www.epa.gov/ttnatw01/129/hmiwi/FP_HMIWI_Inventory_3_15_13_Final_for_Docket.xlsx)

Although there are no HMIWI facilities in Idaho, there are Idaho facilities that claimed an exemption from the HMIWI state plan as co-fired combustors by burning less than 10% HMIWI waste on a quarterly basis. The facilities that still have operable incinerators are listed below:

- 1) Larson-Miller Medical Waste Disposal Services
- 2) University of Idaho
  - Holm Research Center
  - Lab Animal Research Center
  - Caine Veterinarian Teaching and Research Facility

Neither the Larson Miller incinerator nor the U of I Holm incinerator has been operated in a number of years.

Record of waste incinerated in the first quarter of 2013 is shown in the table below.

2013 Incinerator Quarterly Waste Records								
Quarter	U of I LARF		U of I Holm		U of I Caine		Larson-Miller	
	Pathological / Other	HMIWI	Pathological / Other	HMIWI	Pathological / Other	HMIWI	Pathological / Other	HMIWI
1 <sup>st</sup>	650 lbs	70 lbs	0	0	935 lbs	0	0	0
	90.3%	9.7%	0%	0%	100%	0%	0%	0%

Two facilities that claimed exemptions as co-fired combustors previously: the VA Medical Center in Boise and the Twin Falls Clinic and Hospital ceased operation of their incinerators. See attached documentation.





Safety Officer  
P.O. BOX 409  
Twin Falls, Idaho 83303-0409

PHONE: (208) 737-2935

March 20, 2002

Steve VanZandt  
Air Quality Science Officer,  
Department of Environmental Quality  
601 Poleline Road, Suite 2  
Twin Falls, Idaho 83301

Re: Permit to Construct #083-00057

Dear Steve:

This letter is in response to your inquiry of verification that the medical waste incinerator at Magic Valley Regional Medical Center's (MVRMC) Downtown Campus (formerly the Twin Falls Clinic and Hospital) has not operated since October 1999. I checked with Eric Myers in the Engineering Department at the Downtown campus. Eric has informed me that there has been no change in the operation status of that incinerator since October 1999. Therefore, there are no records or any indication that the incinerator was operated from October 1999 until the official decommissioning on March 12, 2002.

If you have any further questions, please call me at 737-2935.

Sincerely,

A handwritten signature in black ink that reads 'C. E. Cannell'.

Curtis E. Cannell  
Safety Officer, Industrial Hygienist  
Magic Valley Regional Medical Center

Scanned



DEPARTMENT OF VETERANS AFFAIRS

Medical Center  
500 West Fort Street  
Boise ID 83702-4598

TWK  
8/31/07

August 23, 2007

In Reply Refer To:

- Bill Rogers  
Permit Coordinator  
DEQ  
1410 Hilton Street  
Boise, ID 83706

Dear Mr. Rogers:

I am writing to request that our Permit to Construct #0020-0033 be terminated. We are no longer using our incinerator and do not plan to use the incinerator in the future. The incinerator has been disconnected from the natural gas line and it will be removed from our facility as soon as funding and resources are available.

Please contact Belinda Corbet at 422-1000 X7070 if you have any questions. Thank you.

Sincerely,

*Susan M. Yeager*  
Susan M. Yeager  
Acting Medical Center Director

cc: Tom Krinke  
Boise Regional DEQ Office  
1445 N. Orchard Street  
Boise, ID 83706

RECEIVED

AUG 30 2007

DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
BOISE REGIONAL OFFICE

**Attachment 3: Public Hearing Certification**

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

DOCKET NO. 58-0000-1304

**NOTICE OF COMMENT PERIOD AND PUBLIC HEARING ON THE PROPOSED SUBMITTAL  
FOR DELEGATION OF REGULATION 40 CFR PART 62, SUBPART HHH**

**AUTHORITY:** In accordance with Sections 111(d) and 129 of the Clean Air Act and 40 CFR Part 60, Subpart B, notice is hereby given that this agency proposes to hold a public hearing on a proposed submittal for delegation of regulation 40 CFR Part 62, Subpart HHH.

**PUBLIC HEARING SCHEDULE:** A public hearing on the proposed submittal will be held as follows:

**Monday, September 9, 2013, 3:00 p.m.**

**Department of Environmental Quality  
Conference Room A  
1410 N. Hilton, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

**DESCRIPTIVE SUMMARY:** DEQ hereby gives notice that it intends to hold a public hearing regarding Idaho's request for continued EPA approval to regulate hospital/medical/infectious waste incinerators. Under Proposed Rule Docket No. 58-0101-1301, DEQ proposes to incorporate by reference 40 CFR Part 62, Subpart HHH, "Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008," into IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho. This proposed revision allows DEQ to maintain EPA approval to regulate these sources.

**AVAILABILITY OF THE PROPOSED RULE AND PROPOSED FEDERAL PLAN DELEGATION REQUEST:** By August 7, 2013, a copy of Proposed Rule Docket No. 58-0101-1301 will be available in the Idaho Administrative Bulletin, August 7, 2013, Vol. 13-8, or at [www.deq.idaho.gov/58-0101-1301](http://www.deq.idaho.gov/58-0101-1301). By August 7, 2013, the proposed Federal Plan Delegation Request for the Control of Air Emissions from Hospital/Medical/Infectious Waste Incinerators Constructed on or Before December 1, 2008 (Federal Plan Delegation Request) can be obtained at [www.deq.idaho.gov/58-0101-1301](http://www.deq.idaho.gov/58-0101-1301) or by contacting the undersigned.

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the proposed submittal, contact Tiffany Floyd at (208)373-0440, [tiffany.floyd@deq.idaho.gov](mailto:tiffany.floyd@deq.idaho.gov).

Anyone may submit written comments by mail, fax or email at the address below regarding this proposed submittal. DEQ will consider all written comments received by the undersigned on or before September 9, 2013.

Dated this 9th day of July, 2013.  
Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208) 373-0418/Fax No. (208) 373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**Attachment 4:**

**Draft Memorandum of Agreement between DEQ and EPA Region 10**

**Hospital/Medical/Infectious Waste Incinerators  
Federal Plan Delegation**

**Memorandum of Agreement**

**Between**

**Idaho Department of Environmental Quality  
and**

**The United States Environmental Protection Agency, Region 10**

**I. GENERAL**

- A. This Memorandum of Agreement (hereinafter "MOA") defines policies, responsibilities, and procedures pursuant to Subpart HHH of Part 62 (hereinafter "Subpart HHH") and Subpart Ce of Part 60, both of Chapter I of Title 40 of the Code of Federal Regulations, by which the Hospital/Medical/Infectious Waste Incinerators (HMIWI) Federal Plan will be administered by both the Idaho Department of Environmental Quality (hereinafter "IDEQ") and the United States Environmental Protection Agency (hereinafter "EPA"). Such agreement will be maintained consistent with the Clean Air Act (hereinafter "Act") and its regulations. The provisions of this MOA include the terms, conditions, and the effective date of the delegation of the Federal Plan for Hospital/Medical/Infectious Waste Incinerators (hereinafter "Federal Plan"). This MOA shall serve as a mechanism for the transfer of authority to the State. The delegation of the Federal Plan to the State is designed to be in effect until there are no HMIWI facilities within the jurisdiction of the Federal Plan in Idaho, EPA publishes an approval of a State Plan that IDEQ has submitted, or EPA withdraws delegation of the Federal Plan according to the provisions of this MOA.
- B. This agreement is entered into by IDEQ and EPA. In a letter dated October xx, 2013, Director Curt Fransen of the IDEQ requested from EPA delegation of authority for IDEQ to implement and enforce the Federal Plan. The geographic area covered by this MOA is the State Idaho excepting Tribal Lands.
- C. The EPA shall have the authority to revoke all or part of this delegation if EPA determines that Idaho has failed to properly implement or enforce the Hospital/Medical/Infectious Waste Incinerators Federal Plan.
- D. The delegation of the Federal Plan to Idaho shall become effective upon signature by both IDEQ and EPA.
- E. This MOA may be modified only after mutual consent of both parties for any purpose. Any revisions or modifications to this MOA must be in writing and must be signed by both IDEQ and EPA.

## **II. DELEGATION OF AUTHORITIES**

- A. By means of this MOA, EPA delegates to IDEQ the authority to implement and enforce the Federal Plan. However, EPA also retains authority to implement and enforce the Federal Plan.
- B. These authorities are additionally delegated to IDEQ:
  - 1. Authority to approve changes in the testing sequences of waste incinerator units.
  - 2. Authority to approve requests of alternate testing schedules resulting from unforeseen circumstances.
  - 3. Authority to approve an alternate records format.
  - 4. Authority to approve changes to the semiannual or annual reporting dates.
- C. These authorities are retained by EPA:
  - 1. Authority to establish site-specific operating parameters pursuant to 40 C.F.R. § 62.14453(b).
  - 2. Authority to approve alternative methods of demonstrating compliance under 40 C.F.R. § 60.8, pursuant to 40 C.F.R. § 62.14495(b).
  - 3. Authority to approve alternate opacity standards, pursuant to 40 C.F.R. § 60.11.
  - 4. Authority to approve alternatives to test methods, pursuant to 40 C.F.R. § 62.14495(b) and 40 C.F.R. § 60.8.
  - 5. Authority to approve alternatives to monitoring, pursuant to 40 C.F.R. § 60.13.

### **III. PROGRAM IMPLEMENTATION**

#### **A. The IDEQ agrees to do the following:**

1. Enforce the Federal Plan in accordance with the provisions of subpart HHH, "Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or before December 1, 2008" published on May 13, 2013.
2. Submit copies of any air related permits for affected facilities to EPA.
3. Ensure affected Idaho facilities comply with the "operator certification requirements" and "operator training requirements" sections of the Federal Plan.
4. Administer and oversee compliance reporting and record keeping requirements.
5. Administer and oversee performance testing and monitoring requirements.
6. Inspect all affected Hospital/Medical/Infectious Waste Incinerators at least once every two years.
7. Perform follow-up inspections or review of facility records to insure correction of violations discovered during routine inspections.
8. Update the Federal Plan and compliance monitoring and enforcement program in collaboration with EPA, as needed.

#### **B. The EPA agrees to do the following:**

1. Provide technical support and assistance, and training opportunities for interpretation of national regulations, development of technology-based requirements, automated transmission of data to EPA databases, and other areas as requested by IDEQ.
2. Make reasonable efforts to communicate to IDEQ when additional legal, technical, and financial resources may be necessary to implement new section 111(d) requirements as they become applicable.
3. Expediently review and appropriately respond to all information submitted by IDEQ.
4. Take final action on any substantial modification to this delegation agreement submitted by the IDEQ or initiated by EPA. Provide for final action in the Federal Register within 180 days of the submission/initiation of delegation agreement modification.

#### **C. IDEQ and EPA agree:**

1. EPA will assess IDEQ's administration of the Federal Plan on a continuing basis for consistency with Subpart HHH, Title V, New Source Review, New Source Performance Standards, and all other requirements of the Act. This assessment will be accomplished by EPA review of information submitted by IDEQ, permit overview, and compliance and enforcement overview.
2. The EPA will consider written comments that are received from regulated persons, the public, and Federal, State, and local agencies in assessing the Idaho delegation of the Federal Plan. Copies of any comments received from such sources will be provided to the IDEQ within seven (7) working days of receipt.
3. The EPA may audit IDEQ by examining the files and documents related to affected facilities.

4. If EPA determines that IDEQ is not adequately administering or enforcing the Federal Plan, EPA will notify IDEQ of the determination as soon as possible and provide the reasons for the determination. IDEQ and EPA will then determine the process and time frame for correcting the deficiencies in an expeditious manner.
5. IDEQ agrees to allow EPA access to all files and other requested information deemed necessary by EPA to ensure management of the delegated Federal Plan consistent with EPA policy.
6. IDEQ and EPA agree to the following procedures with respect to confidentiality of information.
  - a. Except for attorney client communications, any information obtained or used in the administration of the Federal Plan shall be available to EPA or IDEQ upon request without restriction. If the information has been submitted to IDEQ under a claim of confidentiality, the Department must submit that claim to EPA when providing the information.
  - b. If any information is submitted to IDEQ under a claim of confidentiality and Idaho statutes prohibit submitting that information to EPA, IDEQ will require the source to submit the information directly to EPA.
  - c. Any information obtained from IDEQ or from a source subject to a claim of confidentiality will be treated by EPA in accordance with the regulations in 40 C.F.R. Part 2.

**IV. Signatures**

for the United States,  
United States Environmental Protection Agency, Region 10  
By: \_\_\_\_\_ Date: \_\_\_\_\_

Regional Administrator

for the State of Idaho,  
Idaho Department of Environmental Quality  
By: \_\_\_\_\_ Date: \_\_\_\_\_

Director