

7 DE Admin Code 1120  
Section 29

**Repeal Section 29**  
Standards of Performance for  
Hospital, Medical, & Infectious  
Waste Incinerators

Public Hearing  
August 22, 2012



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- Handouts
- Key Definitions
- Acronyms

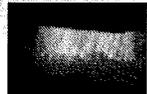


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**Between 1970 and 1990**

- Only **ONE NSPS** applicable to incinerators
  - 40 CFR Part 60 Subpart E
  - Applicable **only to newly built** "solid waste" (> 50% municipal waste)
  - Promulgated on December 23, 1971
  - Limited particulate matter to 0.18 g/dscm







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**Major Clean Air Act Changes**

- In November 1990, Congress enacts significant amendments to the Clean Air Act
  - Many existing Sections were overhauled
  - New Sections were added to address areas needing greater attention
  - New Section 129 addressed the risk from emission from Incinerator

**RISK**



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**New Section 129**

- Required numerical emissions limitations for an **expanded** list of pollutants . . .

<u>Criteria Pollutants</u>	<u>Air Toxics</u>
■ Particulate matter	■ Mercury
■ Sulfur dioxide	■ Cadmium
■ Oxides of nitrogen	■ Hydrogen chloride
■ Carbon monoxide	■ Dioxins
■ Lead	■ Dibenzofurans



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**New Section 129**

- Required EPA to promulgate an NSPS applicable to NEWLY-built incinerators
- Required EPA to publish an emission guideline applicable to EXISTING incinerators
- Required States to submit a "Section 129 Plan" to the EPA within a year after the emission guideline is published
- Required EPA to approve or disapprove the "Section 129 Plan" within 180 days




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## New Section 129

- Established a promulgation schedule new regulations for subcategories of solid waste incinerator

Municipal Waste Incinerator > 250 Tons/Day	Nov. 1991
Municipal Waste Incinerator ≤ 250 Tons/Day	Nov. 1992
Hospital/Medical/Infectious Waste Incinerator	Nov. 1992
Commercial or Industrial Waste Incinerator	Nov. 1994
Other Solid Waste Incinerators Schedule Due	May 1992




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## Which Brings Us to Tonight's Public Hearing

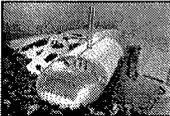


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## EPA's H / M / I / W / I Promulgation

- On Sept. 15, 1997, EPA . . .
  - Promulgated the NSPS applicable to newly-built hospital, medical & infectious waste incinerator at 40 CFR Part 60 Subpart Ec
  - Published the HMIWI emission guidelines at 40 CFR Part 60 Subpart Ce for existing sources





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## Then, Delaware's Clock Starts

- Following EPA's Sept. 15, 1997 promulgation
  - The Department confirmed that there were 3 existing HMIWI units in Delaware
    - DuPont Experimental Station
    - Kent General Hospital
    - Nanticoke Memorial Hospital






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## As the Clock Continues

- Following EPA's Sept. 15, 1997 promulgation
  - The Department developed a draft regulation, as Section 29 in Regulation 1120, which was modeled on the EPA's NSPS and emissions guideline (Subparts Ec & Ce)
  - The Department also developed a draft "Section 129 Plan"
  - The Department discussed both the draft regulation and "Section 129 Plan" at a public workshop on April 30, 1998




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## As the Clock Continues

- Following EPA's Sept. 15, 1997 promulgation
  - The Department published proposed Section 29 in the July 1, 1998 Delaware Register of Regulations
  - The Department presented the proposed Section 29 and proposed "Section 129 Plan" at a public hearing on July 30, 1998
  - The Secretary approved both August 15, 1998




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## As the Clock Winds Down



- Following EPA's Sept. 15, 1997 promulgation
  - The Department published final Section 29 in the September 1, 1998 Delaware Register of Regulations
  - The Department submitted final "Section 129 Plan" to the EPA on September 17, 1998



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## Delaware's Section 129 Plan Approved

- The EPA approval was published in the April 14, 2000 Federal Register (65 FR 20090) for public comment
- The EPA's final approval of the "Section 129 Plan" became effective on June 13, 2000

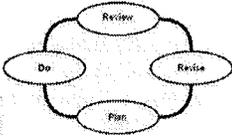



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## New Section 129

- Also required the EPA to within 5 years of the initial promulgation to review and revise such incinerator standards and requirements





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## EPA's H / M / I / W / I Revision

- On Oct. 6, 2009, EPA . . .
  - Revised the NSPS applicable to newly-built HMIWI at 40 CFR Part 60 Subpart Ec
  - Revised the HMIWI emission guidelines at 40 CFR Part 60 Subpart Ce for existing sources





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## Again, Delaware's Clock Starts



- Following EPA's Oct. 6, 2009 revision
  - The Department confirmed that
    - The 3 existing HMIWI units in Delaware had since been shut down and dismantled
    - NO other HMIWI units had been installed in Delaware




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## As the Clock Winds Down



- Following EPA's Oct. 6, 2009 revision
  - The Department submitted a request for the withdrawal of Delaware's "Section 129 Plan" to the EPA on June 17, 2010

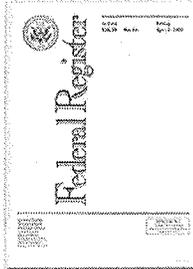


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## Delaware Plan Approved

- The EPA published the withdrawal in the November 30, 2010 Federal Register (75 FR 73967) for public comment
- The withdrawal of Delaware's "Section 129 Plan" became effective on January 31, 2011



In closing  
The Department  
Would like to add



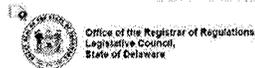
## Department's Path Forward

- The repeal of Section 29 is appropriate as . . .
  - There are NO HMIWI sources
  - Its inherent regulatory requirements are outdated
  - It is no longer justified by present realities
- Any new HMIWI facilities would be regulated under the amended 40 CFR Part 60, Subpart Ec



## DNREC's Proposed Section 29

- Proposed repeal of Section 29 appeared in the August 1, 2012 Delaware Register of Regulations



## The Department Exhibits

The Department offers

- 20 exhibits and asks that they be incorporated into the hearing record as DNREC Exhibits 1 through 20
- DNREC Exhibit 1 provides a description of each of these 20 exhibits
- DNREC Exhibit 1 has also been included in public hearing handouts for the benefit of those attending tonight's public hearing



## The Department's Exhibits Demonstrate

These exhibits demonstrate that the Department has

- Met all Statutory and Departmental requirements throughout the repeal of Section 29
- Provided the public with complete and timely information through the [Section 29 Regulatory Web Page](#)



For the latest information,  
follow the ongoing development on  
**Section 29 Regulatory Web Page**

<http://www.dnrec.delaware.gov/whs/awm/Info/Regs/Pages/Reg1120Section29.aspx>



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