



START ACTION NOTICE

2012-10

APPROVED BY Ceas

DATE 7-5-2012

- 1. TYPE OF ACTION: Repeal Section 29, "New Source Performance Standards for Hospital/Medical/ Infectious Waste Incinerators" (HMIWI) in Regulation 1120.
- 2. PURPOSE OF ACTION: Congress sought to reduce public health impacts due to the exposure to criteria pollutants in the 1990 Amendments to the Clean Air Act. Under Section 111(b), the EPA Administrator is required to establish Federal standards of performance for new sources in prescribed source categories. Under Section 111(d)(1), each State is required to submit a plan to the EPA Administrator which establishes standards of performance for existing sources in those prescribed source categories.

On September 1, 1998, Delaware adopted Section 29 into Regulation 1120 establishing standards of performance for both existing and new HMIWI units. This regulatory action was necessary because there were three existing HMIWI units located in Delaware at the time. On September 17, 1998, Delaware submitted its Clean Air Act-mandated Section 111(d)/129 Plan for HMIWI units to the EPA Administrator; the plan identified the three existing HMIWI units. The EPA Administrator approved Delaware's Section 111(d)/129 Plan for HMIWI units on April 20, 2000.

Over time, each of the three existing HMIWI units in Delaware has been shut down and the equipment dismantled and removed. By 2007, there were no longer any sources subject to Section 29 of Regulation 1120.

On June 1, 2010, Delaware advised the EPA Administrator that the three existing HMIWI units previously subject to Delaware's Section 111(d)/129 Plan for HMIWI units no longer existed and requested the EPA Administrator withdraw the Delaware plan approved in April 2000. On January 31, 2011, the withdrawal of Delaware's Section 111(d)/129 Plan for HMIWI units was approved by the EPA.

Given that there are no sources subject to this regulation, the withdrawal of the Section 111(d)/129 Plan and that any future installations of HMIWI units would be regulated under 40 CFR Part 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, the repeal of the Section 29 is appropriate.

- 3. STATUTORY BASIS: 7 Del. C., Chapter 60, Environmental Control
- 4. LIKELY AFFECTED PUBLIC: There are no affected public.
- 5. PROPOSED SCHEDULE OF ACTIVITIES: Proposal in Delaware Register – Summer 2012
Public Hearing – Summer 2012
Effective Date – Fall 2012
- 6. REVIEW COMMITTEE: No review committee activity is warranted. The Department expects the repeal of Section 29 to be non-controversial because there are no regulated sources and no affected public.
- 7. RESPONSIBLE STAFF MEMBER: Jim Snead 302-323-4542 (phone)
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8. APPROVALS:

<u>J R Snead</u>	<u>5/25/12</u>	<u>Ali Mirzakhali</u> (electronically)	<u>6/12/12</u>
Responsible Staff Member	Date	Division Director	Date