



# FACT SHEET

## In re: Proposed revisions to Air Pollution Control Regulation No. 39 “Hospital/Medical/Infectious Waste Incinerators”

### **Introduction**

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to amend air pollution control regulation, 250-RICR-120-05-39, “Hospital/Medical/Infectious Waste Incinerators” (Part 39). Part 39 limits emissions from hospital, medical and infectious waste incinerators (HMIWI).

### **Description of Proposed Amendments**

The regulation is being amended to incorporate requirements of the Federal New Source Performance Standards (NSPS) for HMIWI, 40 CFR Part 60 Subpart Ec, into Part 39 with the intention of making the RI regulation consistent with current Environmental Protection Agency (EPA) requirements.

Additionally, definitions have been added and portions of the regulation that no longer apply have been eliminated. The regulation has been updated to current RI Code of Regulations (RICR) format which required the addition of an incorporated materials section.

### **Demonstration of Need**

In order for Part 39 to be approvable by EPA and incorporated into Rhode Island’s State Implementation Plan for air quality, it must be consistent with EPA requirements. These changes to the rule make Part 39 fully consistent with the EPA requirements contained in 40 CFR 60, Subpart Ec, *Standards of Performance for New Stationary Sources: Hospital/Medical/Infectious Waste Incinerators*. By amending Part 39, any new HMIWI will now be subject to the same federal and state requirements.

Additionally, in 2016, the state revised the Administrative Procedures Act to require that every state regulation be rewritten into the new RICR format by December 31, 2018, or it will no longer be enforceable. In order to meet this requirement, Part 36 is being revised to the required RICR format which included the addition of an incorporated materials section.

### **Alternative Approaches Considered**

No alternative approaches were considered.

### **Identification of Overlapped or Duplicated State Regulations**

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

**Determination of Significant Adverse Economic Impact on Small Business or Any City or Town**

The Office of Air Resources has determined that implementation of the amendments to Part 39 would not have a significant adverse economic impact on small businesses or cities and towns in the State.

**For more information or copies of the proposed amendments contact:**

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Or, visit the Proposed Regulations section of the DEM website at:

<http://www.dem.ri.gov/documents/regulations/>