

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Title of Rule: Air Pollution Control Regulation No. 39- Hospital/Medical/Infectious Waste Incinerators

Rule Identifier: 250-RICR-120-05-39

Rulemaking Action: Proposed Amendment

Important Dates:

Date of Public Notice: 10/12/2018

End of Public Comment: 11/12/2018

Authority for this Rulemaking:

R.I. Gen. Laws § 42-17.1-2(19)

R.I. Gen. Laws Chapter 23-23

R.I. Gen. Laws Chapter 42-35

Summary of Rulemaking Action:

The purpose of this regulation is to limit emissions from hospital, medical and infectious waste incinerators (HMIWI). 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.

Although R.I. Gen. Laws § 42-35-2.8, require that an oral hearing be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members, an oral hearing will be granted if requested by one (1) or more persons during the public comment period.

Additional Information and Comments:

All interested parties are invited to request additional information or submit written or oral comments concerning the proposed amendment until November 12, 2018 by contacting the appropriate party at the address listed below:

Karen Slattery
Department of Environmental Management

235 Promenade Street
Providence , RI 02908
karen.slattery@dem.ri.gov

In accordance with R.I. Gen. Laws § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

Regulatory Analysis Summary and Supporting Documentation:

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 39 is being revised to the required RICR format which included the addition of an incorporated materials section.

A fact sheet that more fully describes the proposed revision to the regulation as well as copies of the proposed, revised regulation is available under Proposed Regulations on the Department's website (<http://www.dem.ri.gov/documents/regulations/>).

For full regulatory analysis or supporting documentation see agency contact person above.