

October 22, 2001

(AR-18J)

Doug Wagner, Chief
Policy and Guidance Section
Permits Branch
Office of Air Quality
Indiana Department Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Dear Mr. Wagner:

This is a formal response to the September 20, 2001, electronic mail request from Rebecca Mason, of your staff, to Genevieve Damico, of my staff, requesting a §112(g) applicability determination for a medical waste pyrolysis unit. Ms. Mason provided the following facts:

- The source constructed after the applicability date of the §112(g) provisions.
- The source applied for a registration permit because the source it was a minor source of criteria pollutants and hazardous air pollutants. There weren't any emission factors or testing data for hydrochloric acid (HCl) for the unit at that time.
- The Indiana Department of Environmental Management issued the source a registration permit which required stack testing for HCl.
- They recently completed stack testing for the unit. The stack testing indicated that their potential to emit HCl is greater than 10 tons per year (tpy).
- The actual emissions of HCl never exceeded the 10 tpy applicability threshold for §112(g).
- The unit is exempt from the medical waste incinerator new source performance standard (MWI NSPS).

Considering these facts it is our opinion that this source is not subject to §112(g). The United States Environmental Protection Agency considered this type of source in developing the MWI NSPS under the authority of §129 and §111 of the Clean Air Act and we concluded that this type of source was exempt. We have also determined under §129(h)(2) that a unit subject to a §111

standard wouldn't be subject to a §112(d) standard and that it would be unnecessary for it to be subject to §112(g) as well. Therefore, since this MWI was considered under the MWI NSPS, although it is exempt, for the purposes of §112(g) applicability we consider the §129(h)(2) exemption from §112(g), explained above, to apply. Furthermore, since this source never operated as a major source, our decision to not apply the requirements of §112(g) would be consistent with the November 17, 1998, injunctive relief policy.

If you have any further questions, please contact Genevieve at (312) 353-4761.

Sincerely,

/s/

Pamela Blakley, Chief
Permits and Grants Section (IL/IN/OH)