

Necessity Finding

10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators*. This rulemaking would amend the rule text to remove language from the compliance and performance testing provisions that provide an exemption to the emission limits during start-up, shutdown, or malfunction (SSM) conditions. The U.S. Environmental Protection Agency (EPA) received a petition from the Sierra Club concerning the treatment of excess emissions by sources during SSM conditions. The petition cited provisions in rules in several states. In Missouri, the 10 CSR 10-6.220, *Restriction of Emission of Visible Air Contaminants* rule was cited as containing impermissible SSM provisions and also identified seven provisions in 10 CSR 10-6.200, *Hospital, Medical, Infectious Waste Incinerators* (HMIWI) that contain impermissible SSM provisions. EPA's response to the petition called for revisions to the visible emission rule and those revisions are being made in a separate rulemaking. However, EPA's response noted that revision to the HMIWI rule may be the subject of a later EPA action. Of the seven noted impermissible SSM provisions in the HMIWI rule, six are no longer existing in the current rule. This rulemaking will correct the remaining provision to ensure that emission limits for HMIWI apply at all times, making a later EPA action unnecessary. In conjunction with the petition response, EPA published a final rulemaking on May 13, 2013, to revise the federal HMIWI regulation to remove the exemption for SSM conditions from the compliance and performance testing section. This revision must also be made to the state HMIWI rule to fulfill the requirements of the federal HMIWI regulations.

In addition, the hierarchy of definitions would clearly state that the applicable definitions in the Code of Federal Regulations take precedence over those in 10 CSR 10-6.020, *Definitions and Common Reference Tables*. At the same time, EPA test method references in the state rule would be revised to match how these methods are referred to in the federal HMIWI regulations.

- No 60-day comment period was necessary since this rule action adopts federal requirements without variance.
- Affects owners and operators of HMIWIs but we are not aware of any HMIWIs currently operating in the state.
- Public hearing expected October of this year.
- Expected to be effective March of next year.