

30 TAC 113, Subchapter D (2070) - Rule Interpretation Memos

- ! [Clarification of the definitions of “medical/infectious waste” and “co-fired incinerator” as it relates to dead animal corpses.](#) [September 13, 2001]
- ! [Is a HMIWI required to submit a FOP application if they are exempt from the control requirements of Chapter 113](#) [August 23, 2002]
- ! [Clarification of the term medical/infectious waste, defined in Chapter 113, regarding household collected medical-type material](#) [September 4, 2002]

Last Modified; September 4, 2002

Air Rule Interpretation Summary Form

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| Code Number | R3-2070.001 |
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| Clarification of the definitions of “medical/infectious waste” and “co-fired incinerator” as it relates to dead animal corpses | September 13, 2001 |
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| Rule/Regulation Citation(s): | Federal Rule: <u> </u> State Regulation: <u> X </u> |
| | Description: |
| 30 Tex. Admin. Code, Chapter 113 §§ 113.2070-2079 | Standards of Performance for Hazardous Air Pollutants and for Designated Facilities and Pollutants, Subchapter D, Division 2, Hospital/Medical/Infectious Waste Incinerators |
| Interpretation Request: | |
| Are corpses and body parts of diseased animals, either naturally or intentionally infected, burned in an incinerator counted as “medical/infectious waste” for purposes of the 10% limit in the Title 30 Texas Administrative Code (Tex. Admin. Code) § 113.2070(6) definition of a “co-fired incinerator?” | |
| Determination: | |
| Under the 30 Tex. Admin. Code § 113.2070(6) definition of a “co-fired incinerator,” corpses and body parts of animals, including infected or diseased animals, are considered “pathological waste” and are not counted as “medical/infectious waste” when calculating the percentage of medical/infectious waste in the feed stream. | |

Bibliography:

Title 30 Tex. Admin. Code Chapter 113. [Effective: July 9, 2000].

Title 40 C.F.R. Part 60, Subpart Ce (1999). [July 1, 1999].

Title 40 C.F.R. Part 60, Subpart Ec (1999). [July 1, 1999].

62 Fed. Reg. 48350, 48359 (1997). [Sept. 15, 1997].

Please note, in the event that an external customer feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC’s homepage: <http://www.tnrcc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Air Rule Interpretation Summary Form

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| Code Number | R3-2070.002 R12-120.001 60E_c.002 |
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| Is a HMIWI required to submit a FOP application if they are exempt from the control requirements of Chapter 113 | August 23, 2002 |
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| Rule/Regulation Citation(s): | Federal Rule: <u>X</u> State Regulation: <u>X</u> Description: |
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| 30 TAC Chapter 113, § 113.2070 | Chapter 113, Subchapter D: Division 2: Hospital/Medical/Infectious Waste Incinerators |
| 30 TAC Chapter 122, § 122.120(3) | Chapter 122, Subchapter B: Division 1: General Requirements |
| 40 CFR Part 60 Subpart Ec, § 60.50c | Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 |

Interpretation Request:

Is a hospital/medical/infectious waste incinerator (HMIWI), which was constructed on or before June 20, 1996 and combusts only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (as defined in 30 TAC § 113.2070 and 40 CFR § 60.51c), required to apply for a federal operating permit (FOP) under Title V?

Determination:

Under 30 TAC Chapter 113, 30 TAC Chapter 122, and 40 CFR 60 Subpart Ec, the owner or operator of an HMIWI unit that combusts only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is not required to submit an application for an FOP under Title V, if the only reason the unit would potentially be subject to Title V is the non-emissions control-related recordkeeping and reporting requirements associated with the exemptions for burning pathological, chemotherapeutic, and/or low-level radioactive waste. However, if the owner or operator does not comply with the recordkeeping and reporting requirements of Chapter 113, § 113.2076(e)(1) and (2), or 40 CFR § 60.50c(b)(1) and (2) as necessary to claim the exemption, the owner or operator of the HMIWI unit is required to file an application for an FOP under Title V. Title 40 CFR Part 60, Subpart Ce contains only guidelines that have been implemented in Chapter 113, §§ 113.2070 - 113.2079, therefore does not apply to this facility. In addition 40 CFR Part 60, Subpart Ec, and specifically 40 CFR § 60.50c, apply only to HMIWI that were constructed after June 20, 1996. In addition, note that the HMIWI unit may trigger other applicable requirements under Chapter 122 (for example, a HMIWI unit which is a major source) which would require submittal of an FOP application.

Bibliography:

30 TAC Chapter 122 (2001). [June 3, 2001]
40 CFR 60, Subpart Ec (2001). [July 1, 2001]
40 CFR 60, Subpart Ce (2001). [July 1, 2001]
25 Tex. Reg. 5365 (2000). [June 2, 2000]
64 Fed. Reg. 36433 (1999). [July 6, 1999]
65 Fed. Reg. 49871 (2000). [Aug. 15, 2000]
Federal Clean Air Act (1990).

Air RIT Rule Interpretation/Opinion Code #: R3-2070.002/R12-120.001/60E_c.002

Please note, in the event that an external customer feels that this rule interpretation is in error or a source of information has been overlooked which would change the determination, a request for reconsideration may be submitted. Requests must be submitted on a Reconsideration Process Form which is available at the TNRCC's homepage: <http://www.tnrcc.state.tx.us/permitting/airperm/opd/rimhmpg.htm>, or from any of the air rule interpretation team members.

Air Rule Interpretation Summary Form

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| Code Number | R3-2070.003 |
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| Clarification of the term medical/infectious waste, defined in Chapter 113, regarding household collected medical-type material | September 4, 2002 |
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| Rule/Regulation Citation(s): | Federal Rule: <input type="checkbox"/> | State Regulation: <input checked="" type="checkbox"/> | Description: |
| 30 TAC Chapter 113, § 113.2070 | Chapter 113, Subchapter D: Division 2: Hospital/Medical/Infectious Waste Incinerators | | |

Interpretation Request:

Are sharps and other medical-related wastes that are generated and collected from households considered medical/infectious waste as defined in Title 30 Texas Administrative Code (30 TAC) § 113.2070? Does an owner or operator of an incineration unit need to consider this type of waste as medical/infectious waste when determining whether the incinerator meets the exemption for co-fired combustors?

Determination:

Sharps and other medical-related wastes derived from households are not included in the definition of medical/infectious waste contained in 30 TAC § 113.2070. Under this definition, household waste is specifically excluded under 30 TAC § 113.2070(H). Therefore, in determining whether an incinerator is a co-fired combustor in accordance with Table 1 (HMIWI Units Not Subject to Control Requirements) of 30 TAC § 113.2071(a), the household medical waste is not counted as medical/infectious waste when calculating the percentage of medical/infectious waste in the feed stream. However, to claim the exemption for a co-fired combustor in Table 1, the owner or operator must comply with the requirements of 30 TAC § 113.2076(f).

Bibliography:

- 30 TAC Chapter 113 (2000). [June 11, 2000]
- 40 CFR Chapter 261 (2000). [July 1, 2000]
- 45 Fed. Reg. 33099 (1980). [May 19, 1980]
- 54 Fed. Reg. 12339 (1989). [Mar. 24, 1989]

U.S. EPA Background Information Document, "Hospital/Medical/Infectious Waste Incinerators: Background Information for Promulgated Standards and Guidelines-Summary of Public Comments and Responses" (EPA-453/R-97-006b), July, 1997.

Air RIT Rule Interpretation/Opinion Code #: R3-2070.003

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