technology that can comply with these emission limits may be used.

Under section 129, States are required to submit to the Administrator a plan implementing the emission guidelines within 1 year after promulgation of the guidelines. Section 129 also requires that a State plan shall provide that each unit subject to the guidelines shall be in compliance with all requirements of the proposed guidelines within 3 years after the State plan is approved by the Administrator but in no case later that 5 years after promulgation of these guidelines. The compliance schedule in today's proposed emission guidelines would supersede and is more comprehensive than the compliance schedule and timetable specified in section 129.

The proposal requires that a State plan shall provide that each source subject to the guidelines shall be in compliance with all requirements of the guidelines within 1 year after the State plan is approved by the Administrator. The proposal allows two exceptions to this compliance schedule: extensions for facilities planning to install the necessary air pollution equipment and extensions under a petition process for other reasons. State plans that include such provisions may allow designated facilities up to 3 years after the State plan is approved by the Administrator (but no more than 5 years after promulgation of the guidelines) to achieve compliance. The only exception to these compliance times involves the operator training and qualification requirements and the maintenance inspection requirement. The proposed emission guidelines require that a State plan provide that each designated facility shall be in compliance with the operator training and qualification requirements and the maintenance inspection requirements within 1 year after the State plan is approved by the Administrator.

Section 129 specifies that the EPA, in reviewing State plans for any variation from the emission guidelines, must ensure that State plans and their resulting MWI control requirements are at least as protective as the EPA emission guidelines, including incorporation of the compliance schedule requirements established by the guidelines.

II. Summary of the Standards and Guidelines

A. Source Category To Be Regulated

The proposed standards for new MWI's would limit emissions of air pollutants from each MWI for which construction is commenced after today's

date, or for which modification is commenced after the effective date of the standards. The effective date of the proposed standards is specified in the Act as the date 6 months after promulgation of the standards. The proposed guidelines for existing MWI's would require States to develop emission standards limiting emissions of air pollutants from each MWI for which construction was commenced on or before today's date. Changes made to an existing MWI solely for the purpose of complying with the emission guidelines would not bring an existing MWI under the NSPS for new MWI's.

The proposed standards and guidelines would require facilities that employ technologies such as pyrolysis/ gasification in medical waste destruction to meet the emission limits and all other requirements in today's proposal. The pyrolysis/gasification industry does not object to be covered under today's proposed MWI standards and guidelines and believes that they can meet and exceed the proposed emission limitations. However, the pyrolysis/gasification industry believes that their process is unique enough to warrant a separate category for the purpose of regulations. The agency is requesting comment on whether these units should be regulated as MWI's or as a separate source category. Also, comment is requested on the definitions of medical waste incineration and medical waste pyrolysis/gasification that would differentiate these two categories of waste destruction for the purpose of regulation.

An MWI is defined as any device used to burn medical waste, with or without other fuels or types of waste, including the heat recovery device, if one is present. Medical waste is defined as any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in production or testing of biologicals. Biologicals refer to preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, treating, or immunizing humans or animals or in research pertaining thereto. Medical waste includes materials such as sharps, fabrics, plastics, paper, waste chemicals/drugs that are not RCRA hazardous waste, and pathological waste. Medical waste does not include household waste, hazardous waste, or human and animal remains not generated as medical waste.

Most MWI's burn a diverse mixture of medical waste (referred to in this preamble as general medical waste), that may include some pathological waste (human and animal body parts and/or tissue). However, larger amounts of pathological waste require special operating conditions for combustion. Thus, some facilities maintain MWI's designed and operated to burn pathological waste exclusively.

The proposed standards and guidelines focus on regulating emissions from general medical waste incinerators and include very minor requirements for pathological MWI's. Under this proposal, pathological MWI's would only be required to submit quarterly reports of the amount and type of materials charged to the incinerator. Pathological MWI's will be considered in future regulatory action under section 129 in the source category of "other solid waste incinerators."

B. Pollutants To Be Regulated

Section 129 of the Act requires the EPA to establish numerical emission limits for PM, opacity, CO, CDD/CDF, HCl, SO₂, NO_x, Pb, Cd, and Hg. All pollutants to be regulated would be reported as concentrations and are corrected to 7 percent oxygen. Particulate matter and metals (Pb, Cd, and Hg) would be reported as milligrams per dry standard cubic meter (mg/dscm). For Hg, the proposed standards and guidelines would also establish an alternative percent reduction requirement. Carbon monoxide, HCl, SO₂, and NO_x would be reported as parts per million by volume (ppmv), dry basis. As an alternative, the proposed standards and guidelines for HCl would also establish a percent reduction requirement. Emissions of CDD/CDF would be reported in units of total nanograms per dry standard cubic meter (ng/dscm) or ng/dscm toxic equivalency (TEQ). Measurements of TEQ are determined by first measuring the total concentration of CDD/CDF congeners and adjusting the results to account for the varying toxicity of each congener. Opacity is reported on a percentage basis. The proposed standards and guidelines also establish fly ash/bottom ash fugitive emission limitations, reported on a percentage basis.

C. Affected Facility and Designated Facility

The affected facility to which the proposed standards applies is each individual MWI for which construction is commenced after today's date or for which modification is commenced after the effective date of these standards. The effective date of the proposed standards is specified in the Act as the date 6 months after promulgation of the standards.