

Hearing Request Supplemental Page

On 9/25/23 we submitted an initial ORL application. On 11/18/24 we submitted a change to the initial application. We proposed adding a third ORL to address a regulatory interpretation by the Division. Reference: ORL Application Revision 2024Nov18.pdf

Events have shown that permitting for our incinerator requires a couple of official determinations by EPA Headquarters or the Court regarding Federal rule language interpretation.

We have 4 different operating plans to address the possible outcome of these determinations. There may be no need for ORL #2, no need for ORL #3, or no need for both.

We have identified 2 contested issues involving the decision to deny our ORL application. Both involve Federal rule language interpretation.

Contested Issue 1: The denial letter states, "If exempted from Subpart Ec, SWI would be subject to NSPS Subpart EEEE."

Reference: 2024Dec4 - Denial Letter.pdf, page 2

This statement is not supported by the language of NSPS Subparts Ec and EEEE.

Contested Issue 2: The denial letter states, "Therefore, without any enforceable limits limiting the amount of hospital waste and medical/infectious waste being combusted in SWI's incinerator, it would be subject to NSPS Subpart Ec requirements, including but not limited to, Title V permitting required under 40 CFR 60.50c(l)."

Reference: 2024Dec4 - Denial Letter.pdf, page 2

This statement is not supported by the language of NSPS Subpart Ec.