



**MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
REQUESTING THE ADOPTION OF
STATE RULES REQUIRING EARLY IMPLEMENTATION OF FEDERAL
STANDARDS FOR
HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS**

WHEREAS, on October 6, 2009, the United States Environmental Protection Agency (“USEPA”) adopted federal regulations in 40 CFR 60 Subpart Ce – entitled “Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators” for existing medical waste incinerators (“New Federal Standards”); and

WHEREAS, the New Federal Standards establish lower emission rates and additional operating conditions than existing State and prior federal regulations; and

WHEREAS, the New Federal Standards require states to promulgate new state rules that will require existing medical waste incinerators to comply with the New Federal Standards no later than October 6, 2014, and to obtain USEPA approval of the new state rules within two years after October 6, 2009; and

WHEREAS, medical waste incinerator(s) in Mecklenburg County are in compliance with existing federal and State emission rate standards and the “health based” North Carolina Toxics Air Pollution rules, but do not meet the New Federal Standards; and

WHEREAS, public concern regarding medical waste incineration has been expressed by The Town of Matthews, The Town of Stallings and members of the public; and

WHEREAS, the USEPA’s action effectively provided notice that emission rates and other requirements would change; and

WHEREAS, a three year advance notice period for compliance would be consistent with USEPA’s approach in regulating existing affected sources under the Maximum Available Control Technology (MACT) program; and


WHEREAS, Mecklenburg County, as a certified local program, may propose and adopt a Mecklenburg County specific regulation requiring compliance with the New Federal Standards earlier than the federal deadline of October 6, 2014, however, because it would differ from existing State rules, the local rule would require North Carolina Environmental Management Commission approval; and

WHEREAS, since the North Carolina Department of Air Quality has already initiated the rulemaking process to incorporate the New Federal Standards into the North Carolina rules, it would be more efficient for the State to adopt a statewide rule as required by USEPA and follow the County's request for early statewide implementation of the New Federal Standards than for the County to obtain special permission for its local regulations to be inconsistent with State rules; now, therefore, be it

RESOLVED, That the Mecklenburg County Board of Commissioners respectfully requests that the North Carolina Environmental Management Commission adopt State rules implementing the October 6, 2009 federal guidelines (40 CFR 60 Subpart Ce Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators) with an effective compliance date for existing medical waste incinerators of no later than October 6, 2012 to include new operating conditions, completing modifications, beginning operations and demonstrating compliance by stack test by that date.

ADOPTED the 20th day of April, 2010.

APPROVED AS TO FORM



County Attorney



Clerk to the Board