

**MECKLENBURG COUNTY BOARD OF COMMISSIONERS
RESOLUTION
DIRECTING PREPARATION OF PROPOSED REVISIONS OF THE
MECKLENBURG COUNTY AIR POLLUTION CONTROL ORDINANCE
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, the North Carolina Division of Air Quality (NCDAQ) has initiated the rulemaking process and although it would be more efficient for the State to adopt a statewide rule as required by USEPA and include an early compliance date, the state rule adoption timetable and proposed compliance date is unknown at this time; and

WHEREAS, Mecklenburg County, as a certified local program, may propose and adopt a Mecklenburg County specific regulation requiring compliance earlier than the federal deadline, but, because it would differ from existing state rules, the local rule would then need to be approved by the North Carolina Environmental Management Commission (NCEMC); and

WHEREAS, the Mecklenburg County Board of Commissioners recognizes the uncertainty and time consuming nature of the State rulemaking process and the Board wishes to secure early compliance; now, therefore, be it

RESOLVED, That the Mecklenburg County Board of Commissioners directs staff and the Mecklenburg County Air Quality Commission to review, prepare and present rules to the Board of County Commissioner for its consideration that would implement 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 of no later than October 6, 2012 (to include new operating conditions, completing modifications, beginning operation demonstrating compliance by stack test), and if adopted by the Board of County Commissioners, to seek NCEMC approval of such new rule; and be it

FURTHER RESOLVED, That if the State adopts a rule consistent with the Board's request to the NCEMC, action on adoption of a local rule shall be suspended.

ADOPTED the 20th day of April, 2010.

APPROVED AS TO FORM

M A Bethune
County Attorney

James Stair
Clerk to the Board