

A RESOLUTION REQUESTING THE ADOPTION OF STATE RULES REQUIRING EARLY IMPLEMENTATION OF FEDERAL STANDARDS FOR HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS (2010-06-21/R-21)

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 regulation; 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, a public hearing was held May 25, 2010 for the "Title V" permit renewal for a medical waste incinerator in Haw River in adjoining Alamance County owned by Stericycle, Inc with a public comment period extending to June 30, 2010; and

WHEREAS, the timing of this permit renewal is such that renewal will occur prior to implementation of the new USEPA rules by the North Carolina Environmental Management Commission; and

WHEREAS, Stericycle’s annual waste incineration at its facility was reported as over 26 million pounds last year, with the potential for prevailing westerly winds to carry emissions into Orange County from this location; and

WHEREAS, public concerns regarding medical waste incineration have been recently expressed by other local governments, specifically Mecklenburg County, the nearby Towns of Matthews and Stallings, Orange County, Chatham County, the Town of Carrboro, the Town of Haw River, and members of the public and environmental groups; 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, since the North Carolina Division 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 pursue statewide implementation of the New Federal Standards; and

WHEREAS, resident and Blue Ridge Environmental Defense League member Carolyn Cole petitioned the Chapel Hill Town Council on May 24, 2010 to pass a resolution requesting the adoption of State rules requiring early implementation of Federal standards for medical waste incinerators; and

WHEREAS, on May 24, 2010 the Town Council received and referred Ms. Cole's petition to the Sustainability Committee (town advisory board) and the Sustainability, Energy and Environment Council subcommittee for review; and

WHEREAS, on June 8, 2010 the Town of Chapel Hill Sustainability Committee unanimously endorsed Ms. Cole's petition and made a recommendation that the Council pass a resolution in support of the petition; and

WHEREAS, on June 11, 2010 the Sustainability, Energy and Environment Council subcommittee unanimously endorsed Ms. Cole's petition and made a recommendation that the full Council pass a resolution in support of the petition and convey it to the North Carolina Environmental Management Commission.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council respectfully requests that the North Carolina Environmental Management Commission adopt State rules implementing the October 6, 2009 Federal guidelines (40 CFE 60 Subpart C 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.

This the 21st day of June, 2010.