

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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September 7, 2010

Joelle Burleson
Division of Air Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

Re: 15A NCAC 2D.1206 Hospital, Medical, and Infectious Waste Incinerators

Dear Ms Burleson:

On behalf of the Blue Ridge Environmental Defense League, I urge you to adopt the Environmental Protection Agency's new medical waste incinerator rules with the effective date of October 6, 2012. Because North Carolina's two commercial medical waste incinerators must install additional pollution controls to meet the new EPA requirements, it is necessary that the existing rules remain in effect until the October 6, 2012 date. However, given the amount of emissions reductions involved, compliance should come at the earliest possible date, not the latest date allowed by law.

One provision in the new rules from EPA requires a proactive approach by the incinerator operators to segregate and minimize waste from their customers. In the past, incinerator companies have argued that the failure to keep toxics, mercury for instance, out of the waste they incinerate rested with their customers. The North Carolina rule, found at **2D.1206 (f) Monitoring, Recordkeeping, and Reporting, (5) Waste Management Guidelines**, references the federal rule but does not provide details on what is actually required by EPA.

Here EPA found "that non-technology factors also play a role in emissions reduction". EPA notes, "As the Sierra Club Court noted in 1999, the less mercury fed into the waste stream, the less mercury emissions will be coming out of the stack."¹ Based on the court decision that resulted in the new rules, these non-technology factors must be considered. As EPA recognizes, eliminating toxics from the waste stream reduces emissions from the incinerator. The revised federal rule **40 CFR 60.55c** requires:

"The owner or operator of each commercial HMIWI company shall conduct training and education programs in waste segregation for each of the company's waste generator clients and ensure that each client prepares its own waste

¹ EPA-HQ-OAR-2006-0534, Page 86

management plan that includes, but is not limited to, the provisions listed previously in this section.”²

There is no reason to delay by two years adoption of this “non-technology” rule. Minimizing the volume of plastics, metals, paper and other materials that create toxic emissions when they are burned is an essential first step and there is no valid reason for delay. North Carolina should also require an annual review of each operators waste management plan to demonstrate compliance with this rule.

Regarding the request from Mecklenburg County, I support a review of North Carolina’s air toxics in light of the much lower limits set by EPA in these rules. Less mercury in the air around these facilities means more protection for the neighbors.

The October 6, 2012 implementation date will mean reduced emissions here in North Carolina and stronger waste reduction efforts across the region. Both the environment and public health will benefit. I urge the Commission to adopt Option 1, October 6, 2012.

Thank you for the opportunity to provide these comments.

Sincerely,

David Mickey
Blue Ridge Environmental Defense League

² EPA-HQ-OAR-2006-0534, Page 204