

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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October 15, 2010

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

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

Dear Ms Burleson:

The Blue Ridge Environmental Defense League previously submitted comments (attached) on these rules at the September 7, 2010 hearing in Greensboro. These comments will address additional issues and reinforce the need for North Carolina to move forward with the earliest possible effective date for the amended rules, but not later than October 6, 2012.

Perhaps of most interest to North Carolina is the pending acquisition of Healthcare Waste Solutions by Stericycle. As noted in the Division's Economic Analysis, Healthcare Waste Solutions operates the BMWNC incinerator in Matthews and Stericycle operates two incinerators in Haw River. According to EPA, HMIWI facilities operate as "regional monopolists" and can therefore recover all of the costs associated with pollution control upgrades.¹ The fact that Stericycle can pay \$245 million cash for Healthcare Waste Solutions² indicates that these companies have the financial resources necessary to add the required pollution controls.

The Division's Economic Analysis included EPA estimates of \$802,000 capital expenditures for BMWNC with \$308,000 additional annual operating expenditures. This did not include another \$1.7 million in capital equipment according to the BMWNC plant manager. Costs for Stericycle's two incinerators is estimated at \$2.8 million capital costs and \$835,000 annually. The analysis asserts that, "Stericycle, Inc. will not experience economic impacts relative to federal MACT baseline requirements." Given Stericycle's resources, the same can now be said for BMWNC.

The companies have been aware of these rule changes from the beginning. This rulemaking has been in process since 2007. In November of 2007, EPA, working with

¹ EPA Final Rules page 152 http://www.epa.gov/ttn/oarpg/t1/fr_notices/hmiwi_fr091509.pdf

² Stericycle press Release September 29, 2010 <http://phx.corporate-ir.net/phoenix.zhtml?c=119334&p=irol-newsArticle&ID=1476123&highlight=>

RTI, sent out a survey (attached) to various medical waste incinerator operators to collect information on their waste segregation practices. Selin Hoboy, Corporate Vice President submitted Stericycle's response to the survey.

As a result of EPA's survey of hospitals and incinerator operators and comments submitted in rulemaking, EPA has strengthened the waste management provision of the rule. Incinerator operators are now responsible for certain waste segregation programs in their customers' operations. The revised rule now states:

§60.55c Waste management plan.

The owner or operator of an affected facility shall prepare a waste management plan. The waste management plan shall identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. A waste management plan may include, but is not limited to, elements such as **segregation and recycling of paper, cardboard, plastics, glass, batteries, food waste, and metals (e.g., aluminum cans, metals-containing devices); segregation of non-recyclable wastes (e.g., polychlorinated biphenyl-containing waste, pharmaceutical waste, and mercury containing waste, such as dental waste);** and purchasing recycled or recyclable products. A waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. It should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emissions reductions expected to be achieved, and any other environmental or energy impacts they might have. The American Hospital Association publication entitled "An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities" (incorporated by reference, see §60.17) shall be considered in the development of the waste management plan. **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 management plan that includes, but is not limited to, the provisions listed previously in this section.**

The non-profit trade association CHWMEG published this description of Stericycle's Haw River incinerator:

The Haw River facility receives pharmaceutical, hospital, medical, infectious, and a limited amount of Animal and Plant Health Inspection Service (APHIS) waste through the US Department of Agriculture (USDA) for incineration at the site. Stericycle does not accept radiological or hazardous waste at this facility. About 40% of the incoming waste is pathological medical waste, **about 40% is regular medical waste**, 15% to 20% is chemotherapy medical waste, 1% to 2% is pharmaceutical waste, and <1% is USDA APHIS waste. **Regular medical waste could be treated in an autoclave, but generators who prefer treatment by incineration send the waste to the Haw River facility.** Pharmaceutical wastes consist primarily of medications and controlled drugs.³ (emphasis added)

There is no technical reason to delay the waste segregation requirements in the revised rule. Toxic emissions, like mercury and lead, will be reduced; resources will be conserved.

³ <http://www.chwmeg.org/asp/search/detail.asp?ID=193>

The HMIWI companies (company) that operate in North Carolina are fully informed on what is required and financially capable with all of the resources and technical knowledge necessary to meet the new emissions limits earlier than EPA's default date of 2014. The emissions reductions that will result are substantial for the surrounding communities in Matthews and Haw River. The rules should apply equally to both incinerators with the same compliance date: October 6, 2012.

Thank you for the opportunity to provide these comments.

Sincerely,

David Mickey
Blue Ridge Environmental Defense League

attachments