

TOWN OF STALLINGS, NC

A 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 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 in Mecklenburg County on February 11, 2010 for the "Title V" permit renewal for medical waste incinerator BMWNC, Inc. operating in Matthews, NC, with a public comment period extending to April 1, 2010; and

WHEREAS, concerned residents of nearby neighborhoods and communities unanimously expressed concern over continued dangerous emission levels from the BMWNC incinerator, with the potential for serious and sustained health impacts to their communities, and asked their local regulatory agency and local and state governments to intercede on their behalf; 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, public concerns regarding medical waste incineration have been recently expressed by other local governments, specifically Mecklenburg County, the Town of Matthews, the Town of Stallings, Orange County, Chatham County, the Town of Carrboro, the Town of Chapel Hill, the Town of Haw River, the City of Mebane, and the Town of Hillsborough; members of the public; parents with children; the elderly; 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.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF STALLINGS, NC:

Section 1. The Town of Stallings, NC respectfully requests that the N.C. Environmental Management Commission adopt State rules implementing the October 6, 2009 federal guidelines (40 CFE 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.

Section 2. This resolution shall become effective upon adoption.

Adopted this 12th day of July, 2010.

s/ Lynda M. Paxton
Lynda M. Paxton, Mayor

Attest:

s/ Erinn E. Nichols
Erinn E. Nichols, Town Clerk

Approved as to form:

s/ Perry, Bundy, Plyler & Long, LLP
Perry, Bundy, Plyler & Long, LLP