

City of Durham

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, two public hearings were held in April and May, 2010, for the "Title V" permit renewals for two medical waste facilities, Stericycle Inc., located in Graham, Alamance County, NC, and BMWNC located in Matthews, Mecklenburg County, NC; and

WHEREAS, air pollutants from medical waste incineration are known to cause cancer, and have been linked with breast cancer, prostate cancer, and liver and kidney damage; impairment of the immune system, nervous system and endocrine system; reproductive disorders, asthma, chronic bronchitis, pulmonary emphysema, heart disease, diabetes, and endometriosis; and in children, childhood asthma, birth defects, behavioral and neurological problems, digestive disorders, hyperactivity, memory problems, and diminished learning abilities, among other diseases; and

WHEREAS, Stericycle's annual waste incineration at its facility was reported as over 27 million pounds of medical waste received from 22 states last year with the potential for prevailing westerly winds to carry emissions into communities in Durham County; and

WHEREAS, Stericycle's two medical waste incinerators, while in compliance with the "old" or current standards, are releasing mercury 10.6 times the new EPA standards and lead 5.6 times the new EPA standards; and

WHEREAS, BMWNC's medical waste incinerator, while in compliance with the "old" or current standards, is releasing dioxins and furans 6 times the new EPA standards, dioxins and furans toxic equivalency 12.6 times the new EPA standards, mercury 3.5 times the new EPA standards, hydrogen chloride 11.5 times the new EPA standards, and nitrogen oxide 110% above the new EPA standards; and

WHEREAS, public concerns regarding medical waste incineration have been recently expressed by other local governments, specifically Mecklenburg County, Chatham County, Union County, and Orange County; the Town of Stallings, the Town of Matthews, the Town of Carrboro, the Town of Chapel Hill, the City of Mebane, the Town of Hillsborough, the Town of Haw River, the Town of Green Level, the Town of Swepsonville; and the Town of Gibsonville; the Haw River Assembly; members of the public; parents with children; the elderly; 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, 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, 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 CITY OF DURHAM:

Section 1. The City of Durham 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.

The following resolution having been submitted to a vote received the following vote and was duly adopted this 7th day of October, 2010:

Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden & Council Members Ali, Brown, Catotti, Clement & Woodard.

Noes: None.

Absent or Excused: None.

**APPROVED BY
CITY COUNCIL**

OCT 7 2010

CITY CLERK

D. Ann Gray