

# **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

## **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 is scheduled for May 25, 2010 for the “Title V” permit renewal for a medical waste incinerator in Haw River in adjoining Alamance County owned by Stericycle, Incorporated; 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, 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

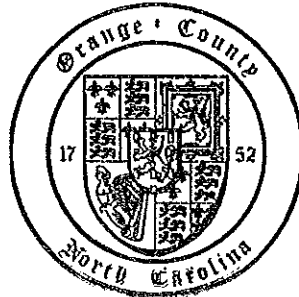
**WHEREAS**, a three year advance notice period for compliance would be consistent with USEPA’s approach in regulating existing affected sources under the Maximum Available Control Technology (MACT) program; and

**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;

**THEREFORE, BE IT RESOLVED**

That the Orange County Board of Commissioners respectfully requests that the North Carolina 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.

This, the 18th day of May, 2010.



A handwritten signature in black ink, appearing to read 'Valerie P. Foushee', is written over a horizontal line.

Valerie P. Foushee, Chair  
Orange County Board of Commissioners

**ATTEST**

A handwritten signature in black ink, appearing to read 'Donna Baker', is written over a horizontal line.

Donna Baker, Clerk to the Board