Agenda Item: 10-31 Request to Proceed to Hearing on Hospital, Medical, Infectious Waste Incinerator (HMIWI) Rule Amendments

Explanation: This public hearing request is to take proposed amendments to Rule 15A NCAC 02D .1206, Hospital, Medical, and Infectious Waste Incinerators.

This rulemaking will amend the Rule to include the federal guidelines, "Standards of Performance for New Stationary Sources and Emissions Guidelines for Existing Sources: Hospital/Medical/Infectious Waste Incinerators." The final rule was published on October 6, 2009 in the *Federal Register*. The federal guidelines require compliance by no later than October 6, 2014. The State rule is required to be amended and effective by October 6, 2010.

Federal law requires this amendment action. It strengthens existing emission limits for all regulated pollutants, includes additional stack testing and monitoring requirements, requires visible emissions test of ash handling operations, includes new procedures for test data submittal, and revises waste management plan provisions.

North Carolina has two operating HMIWI facilities currently operating under 02D .1206. The first is Stericycle in Haw River, Alamance County. It operates two commercial HMIWIs that serve customers in eight states. The second facility is BMW in Mathews, North Carolina, permitted by the Mecklenburg local air quality program. BMW operates one commercial incinerator and is in competition with Stericycle.

The amendments add more complexity to the rule because of multiple new scenarios based on construction and modification dates and equipment size that determines new emission limits, testing requirements, and monitoring requirements.

Recommendation: The Director recommends that the Commission consider a 30-day wavier on this rule and authorize a public hearing on these amendments and that the Chairman appoint a member of the Commission to serve as hearing officer.