Agenda Item: 10-27 Hearing Officer's Report on Amendments to Municipal Waste Combustor Rules

Explanation: A hearing was held in Wilmington, North Carolina, on March 3, 2010, to take public comments on amendments to Rule 15A NCAC 02D .1205, Municipal Waste Combustors, and the adoption of Rule 15A NCAC 02D .1212, Small Municipal Combustors. Dr. Charles H. Peterson was appointed as hearing officer.

Original amendments to these Rules were earlier approved by the Environmental Management Commission (EMC) at the July 2008 EMC meeting. However, when these rules were taken to the Rules Review Commission (RRC), the only facility with Municipal Waste Combustors (MWC) in North Carolina objected to a State-only requirement concerning an existing annual requirement to test for chromium VI.

After a complete review of past emission testing results and stack testing costs, the Division of Air Quality (DAQ) proposed amending the rules that insured public safety while reducing testing costs.

In addition to the State-only testing requirement change, there was a change in the text that required a minor revision back to its original wording. DAQ considered the wording change to be a technical correction. However, the RRC ruled the change required EMC approval.

DAQ elected to withdraw the two rules from the RRC and to present the rules with the changes at a new public hearing. DAQ received EMC permission to take to hearing the revisions made since the first public comment period ended on August 1, 2008. One written comment was received during the comment period.

Recommendation: The Hearing Officer recommends that the Commission adopt the proposed amendments as presented in Chapter II of the hearing record.