NCDENR

Correspondence Tracking System

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Summary

cc of letter addressed to Congressman Richard Burr - response to April 26 letter on behalf of Dick Silverman, concerning health impacts from medical waste incinerators in Matthews, NC area.

Received **06/28/0010** via **Letter**

Customer issue for **Dee Freeman**

Issued **07/01/0010** by **A. Stanley Meiburg** of **US EPA Region 4**

**** For Recipient Use Only ****

To: Robin Smith

Date: 7/1/10

Respond By: —

Please:

_____ Prepare a reply for my signature and return to me.

_____ Reply, noting the letter was referred to you by me. *

_____ Prepare a reply for the Governor's signature and return to me.

_____ Reply, noting the letter was referred to you by the Governor. *

___✓___ For your information.

_____ Take appropriate action

_____ Note and file.

_____ Note and return to me.

_____ Note and see me about this.

_____ Your comments and/or recommendations.

*Copy to Secretary's Office

Remarks

cc: Dexter Matthews

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RECEIVED
OFFICE OF THE SECRETARY
JUL 1, 10
ENVIRONMENT
AND NATURAL RESOURCES
REFERRED TO

JUN 28 2010

The Honorable Richard Burr
United States Senate
Washington, D.C. 20510-3308

Dear Senator Burr:

Thank you for your April 26, 2010, letter on behalf of Dick Silverman, concerning the health impacts from medical waste incinerators in the Matthews, North Carolina, area.

Mr. Silverman is concerned about the potential health impacts from emissions of medical, industrial, and waste disposal incineration units in the Matthews area. Of primary concern is the negative health impact from these facilities on the expanding residential community.

The co-location of industry and neighborhoods has been a primary concern of the U.S. Environmental Protection Agency (EPA) and was the main driver behind the 1990 amendments to Section 112 of the Clean Air Act (CAA). The CAA mandated EPA to promulgate rules that require the maximum achievable control technology for facilities that emit hazardous air pollutants. This program has resulted in over 100 new or revised regulations for source categories that emit hazardous air pollutants, including the source categories mentioned by Mr. Silverman.

More specifically, EPA has existing regulations for commercial and industrial waste incineration, hospital and medical waste incinerators, other solid waste incineration, large municipal waste combustion units, and small municipal waste combustion units. All of these rules are presently undergoing revisions that should result in greater reductions in pollutants from affected sources. Although the revisions to the hospital and medical waste incineration regulation that Mr. Silverman mentions in his letter were promulgated on October 6, 2009, an amendment to the rule was recently proposed on May 14, 2010, which corrects inadvertent drafting errors in the emission limits for nitrogen oxides and sulfur dioxide for large hospital/medical/infectious waste incinerators, and also corrects erroneous cross-references in the reporting and recordkeeping requirements. The public comment period for the proposed amendments ends on June 28, 2010, and EPA expects to promulgate the amendment by the end of August 2010. However, ongoing litigation on the October 6, 2009, rule could affect the promulgation of the amendment. Mr. Silverman may wish to submit comments during the comment period.

EPA delegates the authority to implement and enforce federal rules, including the medical waste incineration rule, to the North Carolina Department of Environment and Natural Resources (NCDENR) and also to the Mecklenburg County Department of Environmental Protection. According to NCDENR, BMWNC, Inc., operates a medical waste incinerator in Mathews, North Carolina (Mecklenburg County), subject to regulations including the

Mecklenburg County Air Pollution Control Ordinance (MCAPCO) and federal regulations. During inspections and site visits conducted by Mecklenburg County on March 30, 2010, April 9, 2010, and April 16, 2010, deficiencies of the permit were noted and BMWNC, Inc., was issued a Notice of Violation (NOV) on April 20, 2010. A compliance schedule was included in the NOV. Mecklenburg County is currently working with the facility to reestablish compliance with its permit and the applicable regulations. To obtain more details of Mecklenburg County's enforcement actions and the facility's current compliance status, contact Chun-chi S. Lui, Air Quality Program Manager, at 704-336-5430.

If you have questions or need additional information from EPA, please contact me or the Region 4 Office of Congressional and Intergovernmental Relations at (404) 562-8327.

Sincerely,

A. Stanley Meiburg
Acting Regional Administrator

cc: Mr. Dee Freeman,
Secretary, NCDENR

Mr. Don Willard
Director, Division of Air Quality
Mecklenburg County Land Use and
Environmental Services Agency