



**MECKLENBURG COUNTY  
MEDICAL WASTE DISPOSAL ORDINANCE  
REGULATIONS GOVERNING THE STORAGE, TREATMENT AND DISPOSAL OF MEDICAL WASTE**

<b><u>SECTION 1: PURPOSE</u></b>	<b>Page 2</b>
<b><u>SECTION 2: DEFINITIONS</u></b>	<b>Page 2-3</b>
<b><u>SECTION 3: GENERAL PROVISIONS</u></b>	<b>Page 4-5</b>
<b><u>SECTION 4: RIGHT OF ENTRY-INSPECTION</u></b>	<b>Page 5</b>
<b><u>SECTION 5: PENALTIES AND ENFORCEMENT</u></b>	<b>Page 5</b>
<b><u>SECTION 6: SEVERABILITY</u></b>	<b>Page 5</b>
<b><u>SECTION 7: EFFECTIVE DATE</u></b>	<b>Page 5</b>



**MECKLENBURG COUNTY  
MEDICAL WASTE DISPOSAL ORDINANCE  
REGULATIONS GOVERNING THE STORAGE, TREATMENT AND DISPOSAL OF MEDICAL WASTE**

Be it ordained by the Mecklenburg County Board of Commissioners (while exercising the powers of a board of health, which powers it has assumed and conferred upon itself by action taken pursuant to N.C.G. S. 153A-77) that the following regulations governing the storage, treatment and disposal of medical waste are hereby adopted pursuant to N.C.G.S. 130A-39(a). These regulations shall apply throughout Mecklenburg County, North Carolina, including, but not limited to, all cities, towns, hamlets, and villages whether incorporated or unincorporated.

**SECTION 1: PURPOSE**

The purpose of these regulations is to minimize the risk to the population of Mecklenburg County associated with the storage, treatment, and disposal of medical waste within Mecklenburg County. The Commission for Health Services has been delegated the responsibility to adopt rules for the packaging, storage, treatment and disposal of medical waste pursuant to N.C.G.S. 130A-309.26, and the Commission for Health Services has adopted rules as directed by the General Assembly. The rules adopted by the Commission for Health Services, if followed, will generally reduce the risk of injury to the population to an acceptable level. Despite these rules, there still remains some risk to the public associated with the transportation, handling and disposal of medical waste. It is recognized that medical waste, if not handled properly, could pose a serious health risk to members of the public who might come into contact with medical waste.

The Board of Commissioners recognizes the need for facilities to be located within Mecklenburg County to handle the medical waste generated in the County and in the immediately surrounding areas. The Board of Commissioners also recognizes, however, that the greater the volume of medical waste that is transported within the County for treatment and disposal within the County, the greater the risk of accidental mishandling and therefore the greater the health risk to the public. The Board has therefore decided that while recognizing the necessity of medical waste being transported, stored and treated within the County, the Board needs to take action to limit the volume of medical waste being handled and therefore to minimize the health risk to the public as a result of said transportation, storage and treatment of medical waste within the County.

**SECTION 2: DEFINITIONS**

**“Board of Commissioners”** means the Mecklenburg County Board of Commissioners.

**“Health Director”** means the Health Director of Mecklenburg County or his or her designee.

**“Manifest”** means the form used for identifying the quantity, composition and the origin, routing and destination of medical waste during its transportation from the point of generation to the point of disposal, treatment or storage.

**“Medical Waste”** means any solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, and research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to Article 9 of G.S. 130A-290, radioactive waste, household waste as defined in 40 Code of Federal Regulations, 261-4(b)(1) in effect on 1 July, 1989, or those substances excluded from the definition of “solid waste” in G.S. 130A-290. This definition is taken from Article 9 of Chapter 130A of the North Carolina General Statutes. In the event that the definition of “medical waste” as defined therein is amended to include additional wastes within the definition of “medical waste,” this definition shall be automatically amended to include said additional wastes.

**“Medical Waste Disposal Facility”** or **“Facility”** means any place that is established or used as the location for the storage, treatment or disposal of medical waste and that contains process equipment for the treatment of medical waste.

**“Medical Waste Disposal Permit”** means that permit issued by the Health Director to the operator of a medical waste disposal facility who has demonstrated by producing legally binding agreements that at least 70 percent of the medical waste which will be processed at the facility will be medical waste generated within Mecklenburg County.

**“Operator”** means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a medical waste disposal facility.

**“Person”** means any individual, corporation, company, association, partnership, unit of local government, State agency, federal agency or other legal entity.

**“Process Equipment”** means any equipment or device for treating medical waste which requires any type of State or local permit in order to treat medical waste.

**“Treatment”** means any process, including steam sterilization, chemical treatment, incineration or other methods approved by the North Carolina Commission for Health Services which changes the character or composition of medical waste so as to render it noninfectious.

### **SECTION 3: GENERAL PROVISIONS**

#### **(A) New Facilities:**

Prior to constructing, installing or operating any Medical Waste Disposal Facility, the operator of the proposed Facility must obtain a Medical Waste Disposal Permit from the Health Director. In order to obtain the Medical Waste Disposal Permit, the applicant must demonstrate by producing legally binding agreements that at least 70 percent of the medical waste which will be processed at the Facility will be medical waste generated within Mecklenburg County.

#### **(B) Existing (Exempt) Facilities:**

Facilities which, as of the effective date of this Ordinance, have either obtained all necessary permits, including Air Quality Permits, for all process equipment within the Facility or for which the Mecklenburg County Environmental Protection Department has issued a Notice of Intent to issue an Air Quality Permit, will be exempt from obtaining a Medical Waste Disposal Permit with respect to that process equipment. In order to obtain a Medical Waste Disposal Permit for a new Medical Waste Disposal Facility or for additional process equipment, prior to constructing, installing or operating the new Facility or additional process equipment the operator of an exempt Facility must obtain a Medical Waste Disposal Permit for all process equipment within the Facility by demonstrating to the Health Director that as of the initial operating date of the additional process equipment, all Medical Waste Disposal Facilities owned or operated by that operator within Mecklenburg County would meet the 70 percent requirement of this Ordinance.

#### **(C) Replacement or Modification of Process Equipment by Existing (Exempt) Facilities:**

Any process equipment within an exempt Facility can be replaced with other process equipment having the same or lower volume and weight capacity without the necessity of that replacement process equipment or that Facility obtaining a Medical Waste Disposal Permit. Any process equipment within an exempt Facility can be modified without the necessity of that process equipment or that Facility obtaining a Medical Waste Disposal Permit as long as the modification does not increase either the volume or weight capacity of the process equipment.

#### **(D) Monitoring:**

The Health Director will obtain information from all Facilities having a Medical Waste Disposal Permit at the end of each calendar quarter of operation to determine whether the 70 percent Permit requirement is being met. This Permit condition will be enforced through

the Health Director by inspections of the Facilities, by checking waste manifests, and by review of operations reports submitted by the operators.

#### **SECTION 4: RIGHT OF ENTRY-INSPECTION**

The Health Director shall have the right of entry upon any premises where entry is necessary to carry out the provisions of this ordinance. If consent for entry is not obtained, an administrative search and inspection warrant shall be obtained pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required for entry upon the premises. Failure of a Facility having a Medical Waste Disposal Facility to allow entry when requested by the Health director shall be a misdemeanor.

#### **SECTION 5: PENALTIES AND ENFORCEMENT**

##### **(A) Criminal**

Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$500.00 or imprisonment not to exceed 30 days. Each day a violation exists shall constitute a separate violation.

##### **(B) Civil Proceeding**

If a person shall violate any provision of this Ordinance, the Director may institute an action for injunctive relief, irrespective of all of the available remedies at law, in Mecklenburg County Superior Court. In addition, the Health Director may take action pursuant to G.S. 130A-19 or G.S. 130A-20 under appropriate circumstances to abate any public health nuisance which exists as a result of violation.

#### **SECTION 6: SEVERABILITY**

If any provision or clause of this ordinance shall be declared invalid, such declaration shall not invalidate any other provision or clause of this Ordinance.

#### **SECTION 7: EFFECTIVE DATE**

These regulations shall be in full force and effect from and after their adoption. Adopted the 19<sup>th</sup> day of November, 1990.