

ILLINOIS POLLUTION CONTROL BOARD
May 20, 1993

IN THE MATTER OF:)
)
POTENTIALLY INFECTIOUS MEDICAL)
WASTE (PIMW): TREATMENT, STORAGE,) R91-20
AND TRANSFER FACILITIES and) (Rulemaking)
TRANSPORTATION, PACKAGING, AND)
LABELING (35 Ill. Adm. Code)
1420, 1421, and 1422))

INTERIM ORDER OF THE BOARD (by R.C. Flemal):

On May 11, 1993 the Joint Committee on Administrative Rules (JCAR) reviewed the Second Notice proposal of the Board in this rulemaking. At its meeting, JCAR voted to object to Section 1422.122, stating that:

[JCAR] objects to the rulemaking by the [Board] entitled Design and Operation of Facilities (35 Ill. Adm. Code 1422) concerning potentially infectious medical waste because Section 1422.122(a)(1) is inconsistent with language in the rulemaking in Sections 1422.124 and 1422.125, resulting in a conflict for facilities attempting to legally eliminate the infectious potential in medical waste.

The Board agrees that there may indeed be a conflict between the language of Section 1422.122 that defines the terms "eliminates the infectious potential of the waste", and Sections 1422.124 and 1422.125 which contain the processes by which the infectious potential will be eliminated. The Board was not made aware of this conflict until a time approximately two weeks prior to the JCAR meeting and well after the Board had adopted its Second Notice opinion and order.

Under Section 5-120(c) of the Administrative Procedures Act (1991) 5 ILCS 100/1-1 et seq., the Board has 90 days after receipt of JCAR's objection in which to address the objection. The Board desires to have this rule in place as soon as possible due to its necessity and due to the statutory deadline for adoption of July 1, 1993. Therefore, the Board will act as expeditiously as possible to work toward addressing the objection. In order to facilitate the elimination of this conflict, the Board proposes the following language for comment:

Section 1422.122 Design and Operating Standards

a) Treatment of PIMW must be conducted in a manner that:

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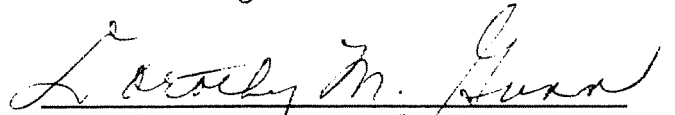
- 1) ELIMINATES THE INFECTIOUS POTENTIAL OF THE WASTE. A treatment process eliminates the infectious potential of PIMW if the owner or operator of a treatment unit demonstrates that an Initial Efficacy Test and Periodic Verification Test have been completed successfully.
 - A) Successful completion of an Initial Efficacy Test must be demonstrated by either a 6-log kill of test microorganisms or, for a thermal unit that maintains the integrity of the container, a 6-log kill of indicator microorganism spores. These demonstrations must be conducted in accordance with Section 1422.124.
 - B) Successful completion of a Periodic Verification Test must be demonstrated by either a 6-log kill of test microorganisms or indicator microorganism spores, a minimum 3-log kill of indicator microorganism spores that has been correlated with a 6-log kill of test microorganisms, or by an alternate method submitted to and approved by the Agency in writing. These demonstrations must be conducted in accordance with Section 1422.125.

Interested persons are asked to comment on this language or provide an acceptable alternative. The language (with changes, if any, in response to comments) will then be submitted to JCAR for consideration at its June 15, 1993 meeting. The Board will then proceed to finally adopt the PIMW rules. Although the JCAR objection only pertains to one Part of the rules, the Board will not proceed on the remaining two Parts 1420 and 1421 due to their close connection with Part 1422, until the objection is addressed.

Comments shall be received by the Board no later than June 1, 1993. Only comments which address the JCAR objection will be considered. Comments shall be submitted to the Clerk of the Board and others as designated in the Board's procedural rules at 35 Ill. Adm. Code 102.320. Form of document requirements are found at 35 Ill. Adm. Code 101.103. The hearing officer has not established a service list for this proceeding. Therefore, any interested person who wishes to obtain copies of comments received by the Board should contact the Clerk of the Board after June 1, 1993.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above interim order was adopted on the 20th day of May, 1993, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board