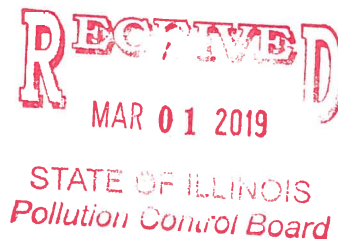


POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 1420
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
1420.101	Amendment
1420.102	Amendment
1420.103	Amendment
1420.104	Amendment
1420.105	Amendment
1420.106	Amendment
1420.107	Amendment
1420.120	Amendment
- 4) Statutory Authority: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/56.2 and 5/27].
- 5) A Complete Description of the Subjects and Issues Involved: Part 1420 contains general provisions of the Board's potentially infectious medical waste rules. In Part 1420, the Board is removing legalese, redundant and superfluous language, and reorganizing some provisions for clarity.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: The amendments seek to improve accessibility and ease compliance with the Board's rules. The proposed changes involve updating definitions and references, and removing legalese and reorganizing some provisions to simplify language and improve clarity.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed



POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

rulemaking: The Board will accept written public comments on this proposal for a period of at least 45 days after the date of publication in the *Illinois Register*. Public comments must be filed with the Clerk of the Board. Public comments should reference Docket R18-29 and be addressed to:

Clerk's Office
Illinois Pollution Control Board
JRTC 100 W. Randolph St., Suite 11-500
Chicago IL 60601

Public comments may also be filed electronically through the Clerk's Office On-Line (COOL) on the Board's website at pcb.illinois.gov.

Interested persons may request copies of the Board's opinion and order in R18-29 by calling the Clerk's office at 312/814-3620 or may download copies from the Board's website at pcb.illinois.gov.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None, the amendments are non-substantive.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: July 2018

The full text of the Proposed Amendments begins on the next page:

1 TITLE 35: ENVIRONMENTAL PROTECTION
2 SUBTITLE M: BIOLOGICAL MATERIALS
3 CHAPTER I: POLLUTION CONTROL BOARD
4 SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTES
5

6 PART 1420
7 GENERAL PROVISIONS
8

9 Section

10	1420.101	Scope and Applicability
11	1420.102	Definitions
12	1420.103	Incorporations by Reference
13	1420.104	Prohibitions
14	1420.105	Permit and Manifest Requirements and Exceptions
15	1420.106	Penalty Factor
16	1420.107	Cleaning and Disinfection
17	1420.120	Severability

18
19 AUTHORITY: Implementing Section 56.2 and authorized by Section 27 of the Environmental
20 Protection Act [415 ILCS 5].
21

22 SOURCE: Adopted in R91-19, at 16 Ill. Reg. 2594, effective February 3, 1992; amended in
23 R91-20, at 17 Ill. Reg. 9947, effective June 21, 1993; amended in R18-29 at 43 Ill. Reg. _____,
24 effective _____.
25

26 NOTE: ~~Capitalization denotes statutory language.~~
27

28 **Section 1420.101 Scope and Applicability**
29

30 This Subtitle establishes standards for and applies to all persons who generate, transport, treat,
31 store, or dispose of potentially infectious medical waste. ~~It sets forth standards for such activities~~
32 ~~occurring in whole or in part~~ within the State of Illinois.
33

34 (Source: Amended at 43 Ill. Reg. _____, effective _____)
35

36 **Section 1420.102 Definitions**
37

38 All definitions ~~set forth~~ in this Section have the following meanings throughout this Subtitle,
39 unless specifically stated ~~provided~~ otherwise. Words and terms not defined have the meanings
40 stated ~~set forth~~ in the Act.
41

42 "6-log reduction" means a 6 decade reduction or a one millionth (0.000001)
43 survival probability in a microbial population.

44
45 "Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½,
46 par. 1001 et seq., as amended by P.A. 87-1097, effective January 1, 1993) [415
47 ILCS 5/1 et seq.].

48
49 "Agency" means the Illinois Environmental Protection Agency.

50
51 "ATCC" means American Type Culture Collection.

52
53 "Board" means the Illinois Pollution Control Board.

54
55 "CFU" means colony forming unit.

56
57 "Chemical treatment" means using the treatment of PIMW in a unit that uses
58 disinfectants or chemicals as the primary means to eliminate the infectious
59 potential of PIMW the waste. Examples include of chemical treatment with are
60 ethylene oxide, chlorine, and ozone.

61
62 "Class 4 etiologic agent" means a pathogenic agent that is extremely hazardous to
63 laboratory personnel or that may cause serious epidemic disease. Class 4 etiologic
64 agent includes the following viral agents:

65
66 Alastrim, Smallpox, Monkey pox, and Whitepox (when used for
67 transmission or animal inoculation experiments);

68
69 Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo),
70 Junin, and Machupo viruses, and others not yet defined);

71
72 Herpes_virus simiae (Monkey B virus);

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74 Lassa virus;

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76 Marburg virus;

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78 Tick-borne encephalitis virus complex (including Absettarov, Hanzalova,
79 HYPR, Kumlinge, Russian spring-summer encephalitis, Kyasanur forest
80 disease, Omsk hemorrhagic fever, and Central European encephalitis
81 viruses);

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83 Venezuelan equine encephalitis virus (epidemic strains, when used for
84 transmission or animal inoculation experiments); and

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86 Yellow fever virus (wild, when used for transmission or animal

87 inoculation experiments).

88
89 BOARD NOTE: A Class 4 Agent helps define an "isolation waste" for
90 ~~the purposes of Section 3.360(a)(6)3.84(a)(6)~~ of the Act and this Subtitle.
91 This listing ~~is derived~~ derives from the CDC document, "Classification of
92 Human Etiologic Agents on the Basis of Hazard," and is supplemented
93 from the CDC/NIH document "Biosafety in Microbiological and
94 Biomedical Laboratories."
95

96 "Container" means a receptacle that does not contain PIMW.

97
98 "Detergent" means a cleansing substance that contains surface-active agents for
99 rapid wetting, penetration, and emulsification of fats and oils, plus a sequestering
100 agent.

101
102 "Detergent-sanitizer cleaner" means an agent that is both a detergent and sanitizer.
103 ~~The sanitizer must be~~ registered by the United States Environmental Protection
104 Agency (USEPA), as identified on its label.

105
106 "Discharge" means the accidental or intentional spilling, leaking, pumping,
107 pouring, emitting, emptying, or dumping of waste into or on any land or water.
108 This does not include the normal loading and unloading of PIMW from a vehicle.
109

110 "Enclosed compartment" means a compartment that ~~protects~~ provides protection
111 from the elements, prevents spillage and prevents containers from falling off the
112 vehicle. The enclosed compartment cannot be used to meet the packaging
113 requirements of 35 Ill. Adm. Code 1421.Subpart C.
114

115 "Equivalent log kill" (~~T~~) means the logarithm of the indicator microorganisms
116 that must be killed and correlates, ~~at a minimum,~~ to a 6-log reduction of viable
117 test microorganisms.
118

119 "Highly communicable disease ~~Communicable Disease~~" means those diseases
120 identified as Class 4 etiologic agents means those diseases identified as Class 4
121 etiologic agents under this Section Part. (Section 3.60(a)(6)3.84(a)(6) of the Act)
122

123 "Indicator microorganisms" means those microorganisms listed in 35 Ill. Adm.
124 Code 1422.Appendix A, Table B, as classified by ATCC.
125

126 "International biohazard symbol" means the symbol that is shown in 35 Ill. Adm.
127 Code 1421.Illustration A.
128

129 "Irradiation treatment" means using the treatment of PIMW in a unit that uses

130 ionizing radiation as the primary means to eliminate the infectious potential of
131 PIMW~~the waste~~. Examples include~~of irradiation treatment with~~ gamma
132 (cobalt 60) and electron beam.

133
134 "Log" means logarithm to the base ~~ten~~ (10).

135
136 "Log kill" (~~L~~) means the difference between the logarithms of viable test
137 microorganisms or indicator microorganisms before and after treatment.

138
139 "Oversized PIMW" means a single waste item that is too large to be placed into a
140 ~~thirty-three~~ (33) gallon bag or container.

141
142 "Package" means a receptacle that contains PIMW.

143
144 "PFU" means plaque forming unit.

145
146 "*Person*" is any individual, partnership, co-partnership, firm, company,
147 corporation, association, joint stock company, trust, estate, political subdivision,
148 state agency, or any other legal entity, or their representative, agent, or assigns.
149 (Section ~~3.3153-26~~ of the Act)

150
151 "*Potentially infectious medical waste*~~Infectious Medical Waste~~" or "PIMW"
152 means the following types of waste generated in connection with the diagnosis,
153 treatment (i.e., provision of medical services), or immunization of human beings
154 or animals; research pertaining to the provision of medical services; or the
155 production~~provision~~ or testing of biologicals:

156
157 *Cultures and stocks. This waste shall include but not be limited to*
158 *cultures and stocks of agents infectious to humans, and associated*
159 *biologicals; cultures from medical or pathological laboratories; cultures*
160 *and stocks of infectious agents from research and industrial laboratories;*
161 *wastes from the production of biologicals; discarded live or attenuated*
162 *vaccines; or culture dishes and devices used to transfer, inoculate, or mix*
163 *cultures.*

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165 *Human pathological wastes. This waste shall include tissue, organs, and*
166 *body parts (except teeth and the contiguous structures of bone and gum);*
167 *body fluids that are removed during surgery, autopsy, or other medical*
168 *procedures; or specimens of body fluids and their containers.*

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170 *Human blood and blood products. This waste shall include discarded*
171 *human blood, blood components (e.g., serum and plasma), or saturated*
172 *material containing free flowing blood or blood components.*

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Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; Pasteur pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents.

Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans.

Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases, as defined in this Section. ~~"Highly communicable diseases" means those diseases identified by the Board in rules adopted under subsection (e) of Section 56.2 of the Act. (See Section 1420.102 of this Part.)~~

Unused sharps. This waste shall include but not be limited to the following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalpel blades.

Potentially infectious medical waste does not include:

Waste generated as general household waste;

Waste (except for sharps) for which the infectious potential has been eliminated by treatment; or

Sharps that meet both of the following conditions:

The infectious potential has been eliminated from the sharps by treatment; and

The sharps are rendered unrecognizable by treatment.

Sharps that are managed in accordance with the following requirements:

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The infectious potential is eliminated from the sharps by treatment at a facility that is permitted by the Agency for the treatment of PIMW;

The sharps are certified by the treatment facility as non-special waste in accordance with Section 22.48 of the Act;

The sharps are packaged at the treatment facility the same as required under Board rules for PIMW;

The sharps are transported under the custody of the treatment facility to a landfill permitted by the Agency under Section 21 of the Act to accept municipal waste for disposal; and

The above activities are authorized in, and conducted in accordance with, a permit issued by the Agency to the treatment facility. (Section 3.3603-84 of the Act)

"PFU" means plaque forming unit.

"Putrescence" means the partial decomposition of organic matter by microorganisms that cause as to cause malodors, gases, or other offensive conditions, or that can provide is capable of providing food for vectors.

"Registered professional engineer" means a person registered under the Illinois Professional Engineering Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 5201 et seq.) [225 ILCS 325/1 et seq.].

"Reusable container" means a receptacle that complies with meets the requirements of 35 Ill. Adm. Code 1421.121(a) and (b); is made and repaired with materials that are corrosion resistant and non-absorbent; and designed and constructed so as to easily permit cleaning and disinfection in compliance accordance with Section 1420.107 of this Subtitle. A reusable container is not a single-use container or is not made of cardboard.

"Sanitizer" means an antimicrobial agent that is intended for application to inanimate objects or surfaces for the purpose of reducing the microbial count to safe levels and that is. The sanitizer must be registered by USEPA the United States Environmental Protection Agency, as identified on its label.

"Sharps" mean unused sharps and used sharps as stated in the definition of PIMW potentially infectious medical waste in this Section with or without residual fluids.

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"Significant mechanical change" means the substitution or addition of mechanical parts that result in different operating conditions. A significant mechanical change does not mean the replacement of a part(s) that meets the same specifications as the original part.

"Single-use container" means a container intended by the manufacturer for one use only, such as (e.g., biohazard bags).

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder. (Section ~~3.4603-43~~ of the Act) For the purpose of this Subtitle, ~~every~~each campus of an educational institution's campus institution is considered to be a single site.

"Storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal. (Section ~~3.4803-46~~ of the Act)

"Storage site" means a site at which waste is stored. "Storage site" includes transfer stations. (Section ~~3.4853-47~~ of the Act)

"Test microorganisms" means those microorganisms listed in 35 Ill. Adm. Code ~~Section~~ 1422.Appendix A, Table A, as classified by ATCC.

"Thermal treatment" means ~~using the treatment of PIMW in a unit that uses~~ elevated temperatures as the primary means to eliminate the infectious potential of PIMWthe waste. Examples of thermal treatment are incineration, steam sterilization, microwaving, radiowaving, infrared heating, pyrolysis, plasma systems and laser treatments.

"Transfer station" means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. "Transfer station" includes a site where waste is transferred from:

- (1) a rail carrier to a motor vehicle or water carrier;
- (2) a water carrier to a rail carrier or motor vehicle;
- (3) a motor vehicle to a rail carrier, water carrier or motor vehicle;
- (4) a rail carrier to a rail carrier, if the waste is removed from a rail car; or

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~~(5)~~ a water carrier to a water carrier, if the waste is removed from a vessel.
(Section ~~3.5003.83~~ of the Act)

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.
(Section ~~3.5053.49~~ of the Act)

"Unrecognizable" means relating to a sharp that has undergone physical alteration (e.g., melting, charring, corroding, or grinding) so that the sharp may no longer be used for its intended purpose.

"Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

"Vehicle" means any device used to transport special waste in bulk or in packages, tanks or other containers.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.103 Incorporations by Reference

The following materials are incorporated by reference. This Section incorporates no later editions or amendments.

Standard Methods for the Examination of Water and Wastewater, American Public Health Association et al. (1015 Fifteenth Street, N.W., Washington, D.C. 20005) (~~23rd~~ 18th Edition, ~~2017~~1992).

Test Methods for Evaluating Solid Waste. Physical/Chemical Methods, EPA Publication SW-846 (Third Edition, Final Updates I (1993), II (1995), IIA (1994), IIB (1995), III (1997), IIIA (1999), IIIB (2005), IV (2008), and V (2015)~~1986 as amended by Update I (November, 1990)~~). SW-846 and ~~updates~~Update I are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.104 Prohibitions

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No person shall:

- a) *Cause or allow the disposal of any PIMW. Sharps may be disposed of in any landfill permitted by the Agency under Section 21 of the Act to accept municipal waste for disposal, if both:*
 - 1) *The infectious potential has been eliminated from the sharps by treatment; and*
 - 2) *The sharps are packaged in accordance with 35 Ill. Adm. Code 1421~~Part 1421, Subpart C of this Subtitle.~~*
- b) *Cause or allow the delivery of any PIMW for transport, storage, treatment or transfer except in accordance with 35 Ill. Adm. Code 1421.~~Subpart C and Subpart E~~Part 1421, Subpart C of this Subtitle.*
- c) *Cause or allow the delivery of any PIMW to a person or facility for storage, treatment, or transfer, or transfer that does not have a permit issued by the Agency to receive~~Beginning July 1, 1992, cause or allow the delivery of any PIMW to a person or facility for storage, treatment, or transfer that does not have a permit issued by the Agency to receive~~ PIMW under~~pursuant to~~ Section 39 of the Act, unless no permit is required under Section~~pursuant to~~ subsection 1420.105(c) ~~of this Part.~~*
- d) *~~Cause~~Beginning July 1, 1992, cause or allow the delivery or transfer of any PIMW for transport unless:*
 - 1) *~~The transporter has a permit issued by the Agency to transport PIMW, or the transporter is exempt from the permit requirement~~pursuant to subsection under Section 1420.105(b) of this Part. ~~Permit applications must be submitted on forms provided by the Agency.~~*
 - 2) *~~A PIMW manifest is completed for the waste unless no manifest is required~~under Section~~pursuant to~~ subsection 1420.105(e) ~~of this Part.~~*
- e) *Cause or allow the acceptance of any PIMW for purposes of transport, storage, treatment, or transfer except in accordance with 35 Ill. Adm. Code 1421.~~Subpart C and 35 Ill. Adm. Code 1422~~.Subpart B~~Part 1421, Subpart C of this Subtitle and Part 1422, Subpart B of this Subtitle.~~*
- f) *~~Conduct any PIMW transportation operation~~Beginning July 1, 1992, conduct any PIMW transportation operation.*

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- 1) *Without a permit issued by the Agency to transport PIMW, unless no permit is required under Section pursuant to subsection 1420.105(b) of this Part.*
- 2) *In violation of any condition of any permit issued by the Agency under the Act.*
- 3) *In violation of any regulation adopted by the Board.*
- 4) *In violation of any order adopted by the Board under the Act.*
- g) *Conduct Beginning July 1, 1992, conduct any PIMW treatment, storage, or transfer operation:*
 - 1) *Without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer of PIMW underpursuant with Section 39 of the Act, unless no permit is required under Section pursuant to subsection 1420.105(c) of this Part. Permit applications must be submitted on forms provided by the Agency.*
 - 2) *In violation of any condition of any permit issued by the Agency under the Act.*
 - 3) *In violation of any regulations adopted by the Board.*
 - 4) *In violation of any order adopted by the Board under the Act.*
- h) *Transport PIMW unless the transporter carries a completed PIMW manifest, unless no manifest is required under Section pursuant to subsection 1420.105(e) of this Part.*
- i) *Offer for transportation, transport, deliver, receive, or accept PIMW for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 of the Act has been paid.*
- j) *Conduct Beginning January 1, 1994, conduct a PIMW treatment operation at an incinerator in existence on the effective date of this Title in violation of emission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended. (Section 56.1 of the Act)*
- k) *Cause or allow the discharge of PIMW from a vehicle.*

430 l) Cause or allow the discharge of PIMW into a sanitary or combined sewer except
 431 in ~~compliance~~ accordance with 35 Ill. Adm. Code, Subtitle C. ~~No person shall~~
 432 ~~cause or allow the discharge of inert or solid PIMW, or inert or solid materials~~
 433 ~~resulting from the treatment of PIMW, into any sanitary sewerage system,~~
 434 ~~combined sewerage system, or storm sewerage system directly or indirectly~~
 435 ~~tributary to waters of the State. Such prohibition applies to, but is not limited to,~~
 436 ~~absorbents, aluminum or other metallic foils, ash, bone, bedding materials,~~
 437 ~~cellulose, culture dishes, garments and other cloth materials, gauze, glass, pads,~~
 438 ~~plastic, sharps, shavings, straw and syringes.~~

440 m) Cause or allow the discharge of inert or solid PIMW, or inert or solid materials
 441 resulting from PIMW treatment, into any sanitary sewerage system, combined
 442 sewerage system, or storm sewerage system directly or indirectly tributary to
 443 waters of the State. This prohibition applies to absorbents, aluminum, or other
 444 metallic foils, ash, bone, bedding materials, cellulose, culture dishes, garments
 445 and other cloth materials, gauze, glass, pads, plastic, sharps, shavings, straw, and
 446 syringes.

448 ~~BOARD NOTE~~ Board Note: Interested persons should note that units of local
 449 government can regulate discharges to sewer systems ~~can also be regulated by~~
 450 units of local government.

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 452 (Source: Amended at 43 Ill. Reg. _____, effective _____)

453
 454 **Section 1420.105 Permit and Manifest Requirements and Exceptions**

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 456 a) The permit and permit appeal provisions ~~in~~ Sections 39 and 40 of the Act and
 457 Board regulations adopted thereunder apply to this Subtitle.

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 459 b) A person who ~~transport~~ conducts a PIMW ~~must~~ transportation operation ~~is~~
 460 ~~required to~~ obtain a PIMW hauling permit from the Agency, except:

461
 462 1) *A person transporting PIMW generated solely by that person's activities;*
 463 ~~or~~

464
 465 2) *Noncommercial transportation of less than 50 pounds of PIMW potentially*
 466 *infectious medical waste at any one time; or*

467
 468 3) *The U.S. Postal Service.* (Section 56.1(f)(1)(A) through (C) of the Act)

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 470 c) A person who conducts a PIMW treatment, storage, or transfer operation ~~must~~ is
 471 ~~required to~~ obtain a permit from the Agency, except:

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- 1) *Any person conducting a PIMW treatment, storage, or transfer operation for PIMW generated by the person's own activities that are treated, stored, or transferred within the site where the PIMW is generated;* ~~or~~
- 2) *Any hospital that treats, stores, or transfers only PIMW generated by its own activities or by members of its medical staff. (Section 56.1(g)(1) of the Act) No storage If the transportation of PIMW is interrupted so as not to constitute storage, no permit is required under Section 56.1(g) of the Act if PIMW transportation is interrupted. For example, transportation of PIMW interrupted by vehicle repairs or inclement weather is does not constitute storage.*
- d) A person applying for a permit for a PIMW treatment, storage, or transfer operation must~~shall~~ file an application, on forms provided by the Agency, with the Agency in compliance~~accordance~~ with the requirements and procedures of 35 Ill. Adm. Code 1422.105 through 1422.107.
- e) Any person who transports PIMW must~~is required to~~ carry a completed PIMW manifest except for the transportation of:
 - 1) *PIMW being transported by generators who generated the waste by their own activities, when the PIMW is transported within or between sites or facilities owned, controlled, or operated by that person;* ~~or~~
 - 2) *Less than 50 pounds of PIMW at any one time for a noncommercial transportation activity; or*
 - 3) *PIMW by the U.S. Postal Service. (Section 56.1(h) of the Act)*

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.106 Penalty Factor

In making its orders and determinations relative to penalties, if any, to be imposed for violating Section 56.1(a) of the Act, the Board, in addition to the factors in Sections 33(c) and 42(h) of the Act, or the court shall take into consideration whether the owner or operator of the landfill reasonably relied on written statements from the person generating or treating the waste that the waste is not PIMW~~potentially infectious medical waste~~. (Section 56.1(B)(k) of the Act)

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.107 Cleaning and Disinfection

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- a) Cleaning and disinfection ~~includes~~ comprises:
 - 1) Washing with a solution of detergent used ~~compliant in accordance~~ with manufacturer's instructions and agitation to remove visible contamination from each surface, followed by a clean water rinse; and
 - 2) One of the following methods of low-level disinfection:
 - A) Exposure to hot water of at least 82 degrees Centigrade (180 degrees Fahrenheit) for a minimum of ~~fifteen (15)~~ seconds;
 - B) Rinsing with, or immersion in, a chemical disinfectant registered by ~~USEPA the United States Environmental Protection Agency~~, as identified on its label and used ~~following in accordance with~~ the manufacturer's instructions;
 - C) Rinsing with, or immersion in, a hypochlorite solution at a concentration of 50 parts per million (ppm). For example, 1/8 cup of common household bleach (5.25% sodium hypochlorite) per gallon of tap water (31 milliliters bleach to 3.78 liters of water); or
 - D) Other disinfection processes as approved by the Agency in writing as an equivalent to one of the methods in subsections (a)(2)(A) and (B) ~~of this Section~~.
- b) A detergent-sanitizer used in conjunction with agitation to remove visible contamination may be substituted for the methods in subsection (a) ~~of this Section~~, if used ~~following in accordance with~~ the manufacturer's instructions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.120 Severability

If any provision of this Part or its application to any person is adjudged invalid, the adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid. If any Section, subsection, sentence or clause of this Subtitle is adjudged unconstitutional, invalid or otherwise not effective for any reason, such adjudication does not affect the validity of this Subtitle as a whole or of any Section, subsection, sentence or clause thereof not adjudged unconstitutional, invalid or otherwise not effective for any reason.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE M: BIOLOGICAL MATERIALS
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: POTENTIALLY INFECTIOUS MEDICAL WASTES

PART 1420
GENERAL PROVISIONS

Section

- 1420.101 Scope and Applicability
- 1420.102 Definitions
- 1420.103 Incorporations by Reference
- 1420.104 Prohibitions
- 1420.105 Permit and Manifest Requirements and Exceptions
- 1420.106 Penalty Factor
- 1420.107 Cleaning and Disinfection
- 1420.120 Severability

AUTHORITY: Implementing Section 56.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/~~56.2 and 5/27~~].

SOURCE: Adopted in R91-19, at 16 Ill. Reg. 2594, effective February 3, 1992; amended in R91-20, at 17 Ill. Reg. 9947, effective June 21, 1993; amended in R18-29 at 43 Ill. Reg. _____, effective _____.

~~NOTE: Text in italicsCapitalization denotes statutory language.~~

Section 1420.101 Scope and Applicability

This Subtitle establishes standards for and applies to all persons who generate, transport, treat, store, or dispose of potentially infectious medical waste. ~~It sets forth standards for such activities occurring in whole or in part~~ within the State of Illinois.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.102 Definitions

All definitions ~~set forth~~ in this Section have the following meanings throughout this Subtitle, unless specifically ~~stated~~~~provided~~~~stated~~ otherwise. Words and terms not defined have the meanings ~~stated~~~~set forth~~~~stated~~ in the Act.

"6-log reduction" means a 6- decade reduction or a one millionth (0.000001) survival probability in a microbial population.

"Act" means the Environmental Protection Act [415 ILCS 5/1 et seq.] ~~(Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 et seq., as amended by P.A. 87-1097, effective January 1, 1993).~~

"Agency" means the Illinois Environmental Protection Agency.

"ATCC" means American Type Culture Collection.

"Board" means the ~~Illinois~~-Pollution Control Board.

"CFU" means colony forming unit.

"Chemical treatment" means ~~using the treatment of PIMW in a unit that uses~~ using disinfectants or chemicals as the primary means to eliminate the infectious potential of ~~PIMW the waste~~ PIMW. Examples ~~include of chemical~~ include treatment ~~with are~~ with ethylene oxide, chlorine, and ozone.

"Class 4 etiologic agent" means a pathogenic agent that is extremely hazardous to laboratory personnel or that may cause serious epidemic disease. Class 4 etiologic agent includes the following viral agents:

Alastrim, Smallpox, Monkey pox, and Whitepox (when used for transmission or animal inoculation experiments);

Hemorrhagic fever agents (including Crimean hemorrhagic fever (Congo), Junin, and Machupo viruses, and others not yet defined);

Herpes virus simiae (Monkey B virus);

Lassa virus;

Marburg virus;

Tick-borne encephalitis virus complex (including Absettarov, Hanzalova, HYPR, Kumlinge, Russian spring-summer encephalitis, Kyasanur forest disease, Omsk hemorrhagic fever, and Central European encephalitis viruses);

Venezuelan equine encephalitis virus (epidemic strains, when used for transmission or animal inoculation experiments); and

Yellow fever virus (wild, when used for transmission or animal inoculation experiments).

BOARD NOTE: A Class 4 Agent helps define an "isolation waste" for ~~the purposes of~~ Section 3.360(a)(6) ~~3.84(a)(6)~~ of the Act and this Subtitle. This listing is ~~derived~~ derives derived from the CDC document ~~7~~ "Classification of Human Etiologic Agents on the Basis of Hazard ~~7~~ 7" and is supplemented from the CDC/NIH document "Biosafety in Microbiological and Biomedical Laboratories ~~7~~ 7".

"Container" means a receptacle that does not contain PIMW.

"Detergent" means a cleansing substance that contains surface-active agents for rapid wetting, penetration, and emulsification of fats and oils, plus a sequestering agent.

"Detergent-sanitizer cleaner" means an agent that is both a detergent and sanitizer. ~~The sanitizer must be~~ registered by the United States Environmental Protection Agency (USEPA), as identified on its label.

"Discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of waste into or on any land or water. This does not include the normal loading and unloading of PIMW from a vehicle.

"Enclosed compartment" means a compartment that ~~protects~~provides ~~protection~~protects from the elements, prevents spillage, and prevents containers from falling off the vehicle. The enclosed compartment cannot be used to meet the packaging requirements of 35 Ill. Adm. Code 1421.Subpart C.

"Equivalent log kill" ~~(T)~~ means the logarithm of the indicator microorganisms that must be killed and correlates, ~~at a minimum,~~ to a 6-log reduction of viable test microorganisms.

"Highly communicable disease" means those diseases identified as Class 4 etiologic agents ~~in this section. "HIGHLY COMMUNICABLE DISEASE" MEANS THOSE DISEASES IDENTIFIED AS CLASS 4 ETIOLOGIC AGENTS under this Part. means those diseases identified as Class 4 etiologic agents under this Section.~~ (Section 3.60(a)(6) ~~3.84(a)(6)~~ of the Act)

"Indicator microorganisms" means those microorganisms listed in 35 Ill. Adm. Code 1422.Appendix A, Table B, as classified by ATCC.

"International biohazard symbol" means the symbol that is shown in 35 Ill. Adm. Code 1421.Illustration A.

"Irradiation treatment" means ~~using the treatment of PIMW in a unit that uses~~using ionizing radiation as the primary means to eliminate the infectious potential of ~~PIMW the waste~~PIMW. Examples ~~include of~~include ~~irradiation~~include treatment ~~with~~with gamma (cobalt 60) and electron beam.

"Log" means logarithm to the base ~~ten (10)~~.10.

"Log kill" ~~(L)~~ means the difference between the logarithms of viable test microorganisms or indicator microorganisms before and after treatment.

"Oversized PIMW" means a single waste item that is too large to be placed into a ~~thirty three (33)~~ gallon bag or container.

"Package" means a receptacle that contains PIMW. ~~"PFU" means plaque-forming unit.~~

~~"PFU" means plaque-forming unit.~~

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their representative, agent, or assigns. (Section 3.315 of the Act) ~~"PERSON" IS ANY INDIVIDUAL, PARTNERSHIP, CO-PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, JOINT STOCK COMPANY, TRUST, ESTATE, POLITICAL SUBDIVISION, STATE AGENCY, OR ANY OTHER LEGAL ENTITY, OR THEIR REPRESENTATIVE, AGENT, OR ASSIGNS.~~

"Potentially infectious medical waste" or "PIMW" means the following types of waste generated in connection with the diagnosis, treatment (i.e., provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the production or testing of biologicals: ~~"POTENTIALLY INFECTIOUS MEDICAL WASTE" OR "PIMW" MEANS THE FOLLOWING TYPES OF WASTE GENERATED IN CONNECTION WITH THE DIAGNOSIS, TREATMENT (I.E., PROVISION OF MEDICAL SERVICES), OR IMMUNIZATION OF HUMAN BEINGS OR ANIMALS; RESEARCH PERTAINING TO THE PROVISION OF MEDICAL SERVICES; OR THE PROVISION OR TESTING OF BIOLOGICALS.~~

Cultures and stocks. This waste shall include but not be limited to cultures and stocks of agents infectious to humans, and associated biologicals; cultures from medical or pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live or attenuated vaccines; or culture dishes and devices used to transfer, inoculate, or mix cultures. ~~CULTURES AND STOCKS. THIS WASTE SHALL INCLUDE BUT NOT BE LIMITED TO CULTURES AND STOCKS OF AGENTS INFECTIOUS TO HUMANS, AND ASSOCIATED BIOLOGICALS; CULTURES FROM MEDICAL OR PATHOLOGICAL LABORATORIES; CULTURES AND STOCKS OF INFECTIOUS AGENTS FROM RESEARCH AND INDUSTRIAL LABORATORIES; WASTES FROM THE PRODUCTION OF BIOLOGICALS; DISCARDED LIVE OR ATTENUATED VACCINES; OR CULTURE DISHES AND DEVICES USED TO TRANSFER, INOCULATE, OR MIX CULTURES.~~

Human pathological wastes. This waste shall include tissue, organs, and body parts (except teeth and the contiguous structures of bone and gum); body fluids that are removed during surgery, autopsy, or other medical procedures; or specimens of body fluids and their containers. ~~HUMAN PATHOLOGICAL WASTES. THIS WASTE SHALL INCLUDE TISSUE, ORGANS, AND BODY PARTS (EXCEPT TEETH AND THE CONTIGUOUS STRUCTURES OF BONE AND GUM), BODY FLUIDS THAT ARE REMOVED DURING SURGERY, AUTOPSY, OR OTHER MEDICAL PROCEDURES; OR SPECIMENS OF BODY FLUIDS AND THEIR CONTAINERS.~~

Human blood and blood products. This waste shall include discarded human blood, blood components (e.g., serum and plasma), or saturated

material containing free flowing blood or blood components. ~~HUMAN BLOOD AND BLOOD PRODUCTS. THIS WASTE SHALL INCLUDE DISCARDED HUMAN BLOOD, BLOOD COMPONENTS (E.G., SERUM AND PLASMA), OR SATURATED MATERIAL CONTAINING FREE FLOWING BLOOD OR BLOOD COMPONENTS.~~

Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; ~~pasteur~~Pasteur pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents. ~~USED SHARPS. THIS WASTE SHALL INCLUDE BUT NOT BE LIMITED TO DISCARDED SHARPS USED IN ANIMAL OR HUMAN PATIENT CARE, MEDICAL RESEARCH, OR CLINICAL OR PHARMACEUTICAL LABORATORIES; HYPODERMIC, INTRAVENOUS, OR OTHER MEDICAL NEEDLES; HYPODERMIC OR INTRAVENOUS SYRINGES; PASTEUR PIPETTES; SCALPEL BLADES; OR BLOOD VIALS. THIS WASTE SHALL ALSO INCLUDE BUT NOT BE LIMITED TO OTHER TYPES OF BROKEN OR UNBROKEN GLASS (INCLUDING SLIDES AND COVER SLIPS) IN CONTACT WITH INFECTIOUS AGENTS.~~

Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans. ~~ANIMAL WASTE. ANIMAL WASTE MEANS DISCARDED MATERIALS, INCLUDING CARCASSES, BODY PARTS, BODY FLUIDS, BLOOD, OR BEDDING ORIGINATING FROM ANIMALS INOCULATED DURING RESEARCH, PRODUCTION OF BIOLOGICALS, OR PHARMACEUTICAL TESTING WITH AGENTS INFECTIOUS TO HUMANS.~~

Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases, as defined in this section. ~~ISOLATION WASTE. THIS WASTE SHALL INCLUDE DISCARDED MATERIALS CONTAMINATED WITH BLOOD, EXCRETIONS, EXUDATES, AND SECRETIONS FROM HUMANS THAT ARE ISOLATED TO PROTECT OTHERS FROM HIGHLY COMMUNICABLE DISEASES. "HIGHLY COMMUNICABLE DISEASES" MEANS THOSE DISEASES IDENTIFIED BY THE BOARD IN RULES ADOPTED UNDER SUBSECTION (E) OF SECTION 56.2 OF THE ACT. (See Section 1420.102 of this Part.)~~
Section.

Unused sharps. This waste shall include but not be limited to the following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalpel blades. ~~UNUSED SHARPS. THIS WASTE SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING UNUSED, DISCARDED SHARPS: HYPODERMIC, INTRAVENOUS, OR OTHER NEEDLES; HYPODERMIC OR INTRAVENOUS SYRINGES; OR SCALPEL BLADES.~~

Potentially infectious medical waste does not include: ~~POTENTIALLY-
INFECTIOUS MEDICAL WASTE DOES NOT INCLUDE;~~

Waste generated as general household waste; ~~WASTE GENERATED AS
GENERAL HOUSEHOLD WASTE;~~

Waste (except for sharps) for which the infectious potential has been eliminated by treatment; ~~OR WASTE (EXCEPT FOR SHARPS) FOR WHICH THE
INFECTIOUS POTENTIAL HAS BEEN ELIMINATED BY TREATMENT; OR~~ or

Sharps that meet both of the following conditions: ~~SHARPS THAT MEET
BOTH OF THE FOLLOWING CONDITIONS;~~

The infectious potential has been eliminated from the sharps by treatment; ~~and THE INFECTIOUS POTENTIAL HAS BEEN ELIMINATED FROM THE
SHARPS BY TREATMENT; AND~~ and

The sharps are rendered unrecognizable by treatment. ~~THE SHARPS ARE
RENDERED UNRECOGNIZABLE BY TREATMENT.~~

Sharps that are managed in accordance with the following requirements:

The infectious potential is eliminated from the sharps by treatment at a facility that is permitted by the Agency for the treatment of PIMW;

The sharps are certified by the treatment facility as non-special waste in accordance with Section 22.48 of the Act;

The sharps are packaged at the treatment facility the same as required under Board rules for PIMW;

The shapes are transported under the custody of the treatment facility to a landfill permitted by the Agency under Section 21 of the Act to accept municipal waste for disposal; and

The above activities are authorized in, and conducted in accordance with, a permit issued by the Agency to the treatment facility. (Section ~~3.3693.843.360~~ 3.360 of the Act)

"PFU" means plaque forming unit.

"Putrescence" means the partial decomposition of organic matter by microorganisms that ~~causses as to cause~~ causes malodors, gases, or other offensive conditions, or that can ~~provideis capable of providing~~ provide food for vectors.

"Registered professional engineer" means a person registered under the Illinois Professional Engineering Practice Act ~~(Ill. Rev. Stat. 1991, ch. 111, par. 5291 et seq.)~~ [225 ILCS 325/1 et seq.].

"Reusable container" means a receptacle that complies ~~with~~meets ~~the requirements of~~with 35 Ill. Adm. Code 1421.121(a) and (b); is made and repaired with materials that are corrosion resistant and non-absorbent; and designed and constructed ~~so as~~ to easily permit cleaning and disinfection in ~~compliance~~accordance with ~~Section 1420.107 of this Subtitle. A reusable container is not a single use container or is not made of cardboard.~~compliance with Section 1420.107.

"Sanitizer" means an antimicrobial agent that is intended for application to inanimate objects or surfaces for ~~the purpose of~~ reducing the microbial count to safe levels and that is, ~~The sanitizer must be registered by the USEPA~~United States Environmental Protection Agency, as identified on its label.

"Sharps" mean unused sharps and used sharps as stated in the definition of ~~PIMW~~potentially infectious medical waste in this SectionPIMW with or without residual fluids.

"Significant mechanical change" means the substitution or addition of mechanical parts that result in different operating conditions. A significant mechanical change does not mean the replacement of a part ~~(s)~~ that meets the same specifications as the original ~~part~~.

"Single-use container" means a container intended by the manufacturer for one use only, ~~such as~~ (e.g., biohazard bags).

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder. ~~"SITE" MEANS ANY LOCATION, PLACE, TRACT OF LAND, AND FACILITIES, INCLUDING BUT NOT LIMITED TO BUILDINGS, AND IMPROVEMENTS USED FOR PURPOSES SUBJECT TO REGULATION OR CONTROL BY THE ACT OR REGULATIONS THEREUNDER. (Section 3.4603.43 (Section 3.460 of the Act))~~ For ~~the purpose of~~ this Subtitle, every educational institution's ~~campus~~each campus of an educational institution is considered to be is a single site.

"Storage" means the containment of waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal. ~~"STORAGE" MEANS THE CONTAINMENT OF WASTE, EITHER ON A TEMPORARY BASIS OR FOR A PERIOD OF YEARS, IN SUCH A MANNER AS NOT TO CONSTITUTE DISPOSAL. (Section 3.4803.46 (Section 3.480 of the Act))~~

"Storage site" means a site at which waste is stored. "Storage site" includes transfer stations. ~~"STORAGE SITE" MEANS A SITE AT WHICH WASTE IS STORED. "STORAGE SITE" INCLUDES TRANSFER STATIONS. (Section 3.4853.47 (Section 3.485 of the Act))~~

"Test microorganisms" means those microorganisms listed in 35 Ill. Adm. Code ~~Section~~ 1422. Appendix A, Table A, as classified by ATCC.

"Thermal treatment" means ~~using the treatment of PIMW in a unit that uses~~ using elevated temperatures as the primary means to eliminate the infectious potential of ~~PIMW the waste~~ PIMW. Examples of thermal treatment are incineration, steam sterilization, microwaving, radiowaving, infrared heating, pyrolysis, plasma systems, and laser treatments.

"Transfer station" means a site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment or storage facility. "Transfer station" includes a site where waste is transferred from ~~(1)~~ 1:

a rail carrier to a motor vehicle or water carrier; ~~(2)~~

a water carrier to a rail carrier or motor vehicle; ~~(3)~~

a motor vehicle to a rail carrier, water carrier or motor vehicle; ~~(4)~~

a rail carrier to a rail carrier, if the waste is removed from a rail car; or ~~(5)~~

a water carrier to a water carrier, if the waste is removed from a vessel. ~~"TRANSFER STATION" MEANS A SITE OR FACILITY THAT ACCEPTS WASTE FOR TEMPORARY STORAGE OR CONSOLIDATION AND FURTHER TRANSFER TO A WASTE DISPOSAL, TREATMENT OR STORAGE FACILITY. "TRANSFER STATION" INCLUDES A SITE WHERE WASTE IS TRANSFERRED FROM (1) A RAIL CARRIER TO A MOTOR VEHICLE OR WATER CARRIER; (2) A WATER CARRIER TO A RAIL CARRIER OR MOTOR VEHICLE; (3) A MOTOR VEHICLE TO A RAIL CARRIER, WATER CARRIER OR MOTOR VEHICLE; (4) A RAIL CARRIER TO A RAIL CARRIER, IF THE WASTE IS REMOVED FROM A RAIL CAR; OR (5) A WATER CARRIER TO A WATER CARRIER, IF THE WASTE IS REMOVED FROM A VESSEL. (Section 3.5003.83 (Section 3.500 of the Act)~~

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize it or render it nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous. ~~"TREATMENT" MEANS ANY METHOD, TECHNIQUE OR PROCESS, INCLUDING NEUTRALIZATION, DESIGNED TO CHANGE THE PHYSICAL, CHEMICAL, OR BIOLOGICAL CHARACTER OR COMPOSITION OF ANY WASTE SO AS TO NEUTRALIZE IT OR RENDER IT NONHAZARDOUS, SAFER FOR TRANSPORT, AMENABLE FOR RECOVERY, AMENABLE FOR STORAGE, OR REDUCED IN VOLUME. SUCH TERM INCLUDES ANY ACTIVITY OR PROCESSING DESIGNED TO CHANGE THE PHYSICAL FORM OR CHEMICAL COMPOSITION OF HAZARDOUS WASTE SO AS TO RENDER IT NONHAZARDOUS. (Section 3.5053.49 (Section 3.505 of the Act)~~

"Unrecognizable" means relating to a sharp that has undergone physical alteration (e.g., melting, charring, corroding, or grinding) so that the sharp may no longer be used for its intended purpose.

"Vector" means any living agent, other than human, capable of transmitting, directly or indirectly, an infectious disease.

"Vehicle" means any device used to transport special waste in bulk or in packages, tanks or other containers.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.103 Incorporations by Reference

The following materials are incorporated by reference. This Section incorporates no later editions or amendments.

Standard Methods for the Examination of Water and Wastewater, American Public Health Association et al. (1015 Fifteenth Street, N.W., Washington, D.C. 20005) (23rd ~~13th~~ Edition, ~~2017~~19922017).

Test Methods for Evaluating Solid Waste. Physical/Chemical Methods, EPA Publication SW-846 (Third Edition, Final Updates I (1993), II (1995), IIA (1994), IIB (1995), III (1997), IIIA (1999), IIIB (2005), IV (2008), and V (2015) ~~1986 as amended by Update I (November, 1990)~~). SW-846 and ~~updates~~Update~~Updates~~ are available from the Superintendent of ~~Document~~Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.104 Prohibitions

No person shall:~~NO PERSON SHALL:~~

a) Cause or allow the disposal of any PIMW. Sharps may be disposed of in any landfill permitted by the Agency under Section 21 of the Act to accept municipal waste for disposal, if both:~~CAUSE OR ALLOW THE DISPOSAL OF ANY PIMW. SHARPS MAY BE DISPOSED OF IN ANY LANDFILL PERMITTED BY THE AGENCY UNDER SECTION 21 OF THE ACT TO ACCEPT MUNICIPAL WASTE FOR DISPOSAL, IF BOTH:~~

1) The infectious potential has been eliminated from the sharps by treatment;~~and THE INFECTIOUS POTENTIAL HAS BEEN ELIMINATED FROM THE SHARPS BY TREATMENT; AND~~and

2) The sharps are packaged in accordance ~~with~~THE SHARPS ARE PACKAGED IN ACCORDANCE WITH PART 1421,with 35 Ill. Adm. Code 1421.~~Subpart C of this Subtitle.~~

b) Cause or allow the delivery of any PIMW for transport, storage, treatment or transfer except in accordance with 35 Ill. Adm. Code 1421.Subpart C and Subpart E. ~~CAUSE OR ALLOW THE DELIVERY OF ANY PIMW FOR TRANSPORT, STORAGE, TREATMENT OR TRANSFER EXCEPT IN ACCORDANCE WITH Part 1421, Subpart C of this Subtitle.~~

c) Cause or allow the delivery of any PIMW to a person or facility for storage, treatment, or transfer, or transfer that does not have a permit issued by the Agency to ~~receive~~BEGINNING JULY 1, 1992, CAUSE OR ALLOW THE DELIVERY OF ANY PIMW TO A PERSON OR FACILITY FOR STORAGE, TREATMENT, OR TRANSFER THAT DOES NOT HAVE A PERMIT ISSUED BY THE AGENCY TO RECEIVE PIMW ~~under~~pursuant to receive PIMW under Section 39 of the Act, unless no permit is required under ~~Section~~UNLESS NO PERMIT IS REQUIRED pursuant to subsection Section 1420.105 (c) ~~of this Part.~~

d) Cause or allow the delivery or transfer of any PIMW for transport unless: ~~BEGINNING JULY 1, 1992, CAUSE OR ALLOW THE DELIVERY OR TRANSFER OF ANY PIMW FOR TRANSPORT UNLESS:~~

1) The transporter has a permit issued by the Agency to transport PIMW, or the transporter is exempt from the permit ~~requirement~~THE TRANSPORTER HAS A PERMIT ISSUED BY THE AGENCY TO TRANSPORT PIMW, OR THE TRANSPORTER IS EXEMPT FROM THE PERMIT REQUIREMENT ~~pursuant to subsection~~requirement under Section 1420.105 (b) ~~of this Part. Permit applications must be submitted on forms provided by the Agency.~~

2) A PIMW manifest is completed for the ~~waste~~A PIMW MANIFEST IS COMPLETED FOR THE WASTEwaste unless no manifest is required under ~~Section~~pursuant to subsection Section 1420.105 (e) ~~of this Part.~~

e) Cause or allow the acceptance of any PIMW for purposes of transport, storage, treatment, or transfer except in accordance with 35 Ill. Adm. Code 1421.Subpart C and 35 Ill. Adm. Code 1422.Subpart B. ~~CAUSE OR ALLOW THE ACCEPTANCE OF ANY PIMW FOR PURPOSES OF TRANSPORT, STORAGE, TREATMENT, OR TRANSFER EXCEPT IN ACCORDANCE WITH Part 1421, Subpart C of this Subtitle and Part 1422, Subpart B of this Subtitle.~~

f) Conduct any PIMW transportation operation: ~~BEGINNING JULY 1, 1992, CONDUCT ANY PIMW TRANSPORTATION OPERATION:~~

1) Without a permit issued by the ~~agency to transport~~WITHOUT A PERMIT ISSUED BY THE AGENCY TO TRANSPORTAgency to transport PIMW, unless no permit is required under ~~Section~~pursuant to subsection Section 1420.105 (b) ~~of this Part.~~

2) In violation of any condition of any permit issued by the Agency ~~under~~IN VIOLATION OF ANY CONDITION OF ANY PERMIT ISSUED BY THE AGENCY UNDERunder the Act.

3) In violation of any regulation adopted by the Board. ~~IN VIOLATION OF ANY REGULATION ADOPTED BY THE BOARD.~~

4) In violation of any order adopted by the Board ~~under~~IN VIOLATION OF ANY ORDER ADOPTED BY THE BOARD UNDER the Act.

g) Conduct any PIMW treatment, storage, or transfer operation: ~~BEGINNING JULY 1, 1992, CONDUCT ANY PIMW TREATMENT, STORAGE, OR TRANSFER OPERATION:~~

1) Without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer ~~of~~WITHOUT A PERMIT ISSUED BY THE AGENCY THAT SPECIFICALLY AUTHORIZES THE TREATMENT, STORAGE, OR TRANSFER OF PIMW ~~under~~of PIMW under Section 39 of the Act, unless no permit is required under ~~Section~~pursuant to subsection ~~1420.105(c) of this Part. Permit applications must be submitted on forms provided by the Agency.~~Section 1420.105(c) of this Part.

2) In violation of any condition of any permit issued by the Agency ~~under~~IN VIOLATION OF ANY CONDITION OF ANY PERMIT ISSUED BY THE AGENCY UNDER the Act.

3) In violation of any regulations adopted by the Board. ~~IN VIOLATION OF ANY REGULATIONS ADOPTED BY THE BOARD.~~

4) In violation of any order adopted by the Board ~~under~~IN VIOLATION OF ANY ORDER ADOPTED BY THE BOARD UNDER the Act.

h) Transport PIMW unless the transporter carries a completed PIMW manifest ~~TRANSPORT PIMW UNLESS THE TRANSPORTER CARRIES A COMPLETED PIMW MANIFEST~~manifest, unless no manifest is required under ~~Section~~pursuant to subsection ~~1420.105(e) of this Part.~~Section 1420.105(e) of this Part.

i) Offer for transportation, transport, deliver, receive, or accept PIMW for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 ~~of~~OFFER FOR TRANSPORTATION, TRANSPORT, DELIVER, RECEIVE, OR ACCEPT PIMW FOR WHICH A MANIFEST IS REQUIRED, UNLESS THE MANIFEST INDICATES THAT THE FEE REQUIRED UNDER SECTION 56.4 OF THE ACT HAS BEEN PAIDHAS BEEN PAID. ~~of the Act has been paid.~~of the Act has been paid.

j) Conduct a PIMW treatment operation at an incinerator in existence on the effective date of this Title in violation of emission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended. ~~BEGINNING JANUARY 1, 1994, CONDUCT A PIMW TREATMENT OPERATION AT AN INCINERATOR IN EXISTENCE ON THE EFFECTIVE DATE OF THIS TITLE IN VIOLATION OF EMISSION STANDARDS ESTABLISHED FOR THESE INCINERATORS UNDER SECTION 129 OF THE CLEAN AIR ACT (42 USC 7429), AS AMENDED. (Section 56.1 of the Act)~~

k) Cause or allow the discharge of PIMW from a vehicle.

l) Cause or allow the discharge of PIMW into a sanitary or combined sewer except in ~~compliance~~compliance with 35 Ill. Adm. Code, ~~Subtitle C. No person shall cause or allow the discharge of inert or~~

~~solid PIMW, or inert or solid materials resulting from the treatment of PIMW, into any sanitary sewerage system, combined sewerage system, or storm sewerage system directly or indirectly tributary to waters of the State. Such prohibition applies to, but is not limited to, absorbents, aluminum or other metallic foils, ash, bone, bedding materials, cellulose, culture dishes, garments and other cloth materials, gauze, glass, pads, plastic, sharps, shavings, straw and syringes.~~ Subtitle C

m) Cause or allow the discharge of inert or solid PIMW, or inert or solid materials resulting from PIMW treatment, into any sanitary sewerage system, combined sewerage system, or storm sewerage system directly or indirectly tributary to waters of the State. This prohibition applies to absorbents, aluminum, or other metallic foils, ash, bone, bedding materials, cellulose, culture dishes, garments and other cloth materials, gauze, glass, pads, plastic, sharps, shavings, straw, and syringes.

BOARD NOTE: Interested persons should note that units of local government can regulate discharges to sewer systems ~~can also be regulated by units of local government.~~ (Source: ~~Amended at 43 Ill. Reg. _____, effective _____~~)

(Source: ~~Amended at 43 Ill. Reg. _____, effective _____~~)

Section 1420.105 Permit and Manifest Requirements and Exceptions

a) The permit and permit appeal provisions ~~in~~ Sections 39 and 40 of the Act and Board regulations adopted thereunder apply to this Subtitle.

b) A person who ~~transportseconducts a PIMW musttransportation-operation is required totransport PIMW must~~ obtain a PIMW hauling permit from the Agency, except:

1) A person transporting PIMW generated solely by that person's activities; ~~A PERSON TRANSPORTING PIMW GENERATED SOLELY BY THAT PERSON'S ACTIVITIES; OR~~

2) Noncommercial transportation of less than 50 pounds of PIMW at any one time; ~~orNONCOMMERCIAL TRANSPORTATION OF LESS THAN 50 POUNDS OF POTENTIALLY INFECTIONS MEDICAL WASTE AT ANY ONE TIME; OR~~ or

3) The U.S. Postal Service. ~~THE U.S. POSTAL SERVICE.~~ (Section 56.1(f)(1)(A) through (C) of the Act)

c) A person who conducts a PIMW treatment, storage, or transfer operation ~~mustis required to~~ must obtain a permit from the Agency, except:

1) Any person conducting a PIMW treatment, storage, or transfer operation for PIMW generated by the person's own activities that are

treated, stored, or transferred within the site where the PIMW is generated; ~~OR ANY PERSON CONDUCTING A PIMW TREATMENT, STORAGE, OR TRANSFER OPERATION FOR PIMW GENERATED BY THE PERSON'S OWN ACTIVITIES THAT ARE TREATED, STORED, OR TRANSFERRED WITHIN THE SITE WHERE THE PIMW IS GENERATED; OR~~

2) Any hospital that treats, stores, or transfers only PIMW generated by its own activities or by members of its medical staff. ~~ANY HOSPITAL THAT TREATS, STORES, OR TRANSFERS ONLY PIMW GENERATED BY ITS OWN ACTIVITIES OR BY MEMBERS OF ITS MEDICAL STAFF.~~ (Section 56.1(g)(1) of the Act). ~~No storage~~ If the transportation of PIMW is interrupted so as ~~not to constitute storage, no~~ No storage permit is required under Section 56.1(g) of the Act, if PIMW transportation is interrupted. For example, transportation of PIMW interrupted by vehicle repairs or inclement weather ~~is does is~~ not constitute storage.

d) A person applying for a permit for a PIMW treatment, storage, or transfer operation ~~must shall~~ must file an application, on forms provided by the Agency, with the Agency in ~~compliance accordance with the requirements and procedures of compliance with~~ 35 Ill. Adm. Code 1422.105 through ~~1422.107 on forms provided by the Agency.~~ 1422.107.

e) Any person who transports PIMW ~~must is required to~~ must carry a completed PIMW manifest except for the transportation of:

1) PIMW being transported by generators who generated the waste by their own activities, when the PIMW is transported within or between sites or facilities owned, controlled, or operated by that person; ~~PIMW BEING TRANSPORTED BY GENERATORS WHO GENERATED THE WASTE BY THEIR OWN ACTIVITIES, WHEN THE PIMW IS TRANSPORTED WITHIN OR BETWEEN SITES OR FACILITIES OWNED, CONTROLLED, OR OPERATED BY THAT PERSON; OR~~

2) Less than 50 pounds of PIMW at any one time for a noncommercial transportation activity; ~~OR LESS THAN 50 POUNDS OF PIMW AT ANY ONE TIME FOR A NONCOMMERCIAL TRANSPORTATION ACTIVITY; OR OR~~

3) PIMW by the U.S. Postal Service. ~~PIMW BY THE U.S. POSTAL SERVICE.~~ (Section 56.1(h) of the Act)

(Source: Amended at 43 Ill. Reg. , effective)

Section 1420.106 Penalty Factor

In making its orders and determinations relative to penalties, if any, to be imposed for violating Section 56.1(A)(a) of the Act, the Board, in addition to the factors in Sections 33(c) and 42(h) of the Act, or the ~~Court~~ court shall take into consideration whether the owner or operator of the landfill reasonably relied on written statements from the person generating or treating the waste that the waste is not PIMW. ~~IN MAKING ITS ORDERS AND DETERMINATIONS RELATIVE TO PENALTIES, IF ANY, TO BE IMPOSED FOR VIOLATING SECTION 56.1(a) OF THE ACT, THE BOARD, IN ADDITION~~

~~TO THE FACTORS IN SECTIONS 33(e) AND 42(h) OF THE ACT, OR THE COURT SHALL TAKE INTO CONSIDERATION WHETHER THE OWNER OR OPERATOR OF THE LANDFILL REASONABLY RELIED ON WRITTEN STATEMENTS FROM THE PERSON GENERATING OR TREATING THE WASTE THAT THE WASTE IS NOT POTENTIALLY INFECTIOUS MEDICAL WASTE. (Section 56.1(B)(k) (Section 56.1(B) of the Act)~~

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.107 Cleaning and Disinfection

a) Cleaning and disinfection ~~includes~~comprises~~includes~~:

1) Washing with a solution of detergent used ~~compliant in accordance~~compliant with manufacturer's instructions and agitation to remove visible contamination from each surface, followed by a clean water rinse; and

2) One of the following methods of low-level disinfection:

A) Exposure to hot water of at least 82 degrees Centigrade (180 degrees Fahrenheit) for a minimum of ~~fifteen (15)~~ seconds;

B) Rinsing with, or immersion in, a chemical disinfectant registered by ~~the USEPA United States Environmental Protection Agency~~USEPA, as identified on its label and used ~~following in accordance with~~following the manufacturer's instructions;

C) Rinsing with, or immersion in, a hypochlorite solution at a concentration of 50 parts per million (ppm). For example, 1/8 cup of common household bleach (5.25% sodium hypochlorite) per gallon of tap water (31 milliliters bleach to 3.78 liters of water); or

D) Other disinfection processes as approved by the Agency in writing as an equivalent to one of the methods in subsections (a)(2)(A) and (B) ~~of this Section.~~

b) A detergent-sanitizer used in conjunction with agitation to remove visible contamination may be substituted for the methods in subsection (a) ~~of this Section~~, if used ~~following in accordance with~~following the manufacturer's instructions.

(Source: Amended at 43 Ill. Reg. _____, effective _____)

Section 1420.120 Severability

If any provision of this Part or its application to any person is adjudged invalid, the adjudication does not affect the validity of this Part as a whole or of any portion not adjudged invalid. ~~If any Section, subsection, sentence or clause of this Subtitle is adjudged~~

~~unconstitutional, invalid or otherwise not effective for any reason, such adjudication does not affect the validity of this Subtitle or of any Section, subsection, sentence, or clause thereof not adjudged unconstitutional, invalid or otherwise not effective for any reason.~~

(Source: Amended at 43 Ill. Reg. _____, effective

_____)
~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED AMENDMENTS~~

~~JCAR351420-1902966r01~~

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