

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1980

In The Matter Of:)
Hazardous Hospital Wastes,) R80-19
Sections 3(jj) and 21(h) of the)
Environmental Protection Act)

FINAL ORDER. EMERGENCY RULE.

ORDER OF THE BOARD (by J. Anderson).

Section 21(h)(formerly g) of the Environmental Protection Act (Act), P.A. 81-1186 (H.B. 1919), was signed by the Governor on November 29, 1979. It states that no person shall:

"Deposit any hazardous hospital waste in any landfill on or after January 1, 1981. All such waste shall be properly incinerated or processed by an alternative method pursuant to regulations adopted by the Board. This requirement shall take effect January 1, 1981."

As no draft rules to implement this legislation had been submitted to the Board, on October 2, 1980 the Board on its own motion authorized the scheduling of inquiry hearings. Two such inquiry hearings were held, the first in Springfield on November 14 and the second in Chicago on November 17. The emergency rule being adopted today is based on information generated during these hearings and written comments received pursuant to the hearings.

It has come to the Board's attention that, due to confusion concerning the scope of the term "hazardous hospital waste", that some landfill operators may refuse to accept any medical care wastes, beginning January 1, 1981, to avoid acting unlawfully. Pursuant to Section 27(c) of the Act, the Board finds that a severe public health emergency will exist if medical care wastes, not intended to be covered by Section 21(h), are stored by their non-hospital generators rather than properly disposed of.

The Board hereby adopts emergency Part IX to Chapter 9: Special Waste. Part IX will become effective January 1, 1981 and is being filed with the Secretary of State without notice or comment as provided by Rule 5.01 of the Secretary of State's Rules on Rules and Section 5(a) of the Illinois Administrative Procedures Act [Ill. Rev. Stat. 1979, Ch. 127, Section 1005(b)].

Hearings shall be scheduled and held for the purpose of developing a permanent rule to replace this emergency rule.

Part IX Hazardous Hospital Waste

Rule 901 Definitions

For the purposes of this Part IX of Chapter 9 only.

"HAZARDOUS HOSPITAL WASTE" means waste which has been generated in connection with patient care that is contaminated with or may be contaminated with an infectious agent that has the potential of inducing an infection and which has not been rendered innocuous by sterilization or incineration. "HAZARDOUS HOSPITAL WASTE" includes, but is not limited to, medical and patient care products contaminated with blood, sputum or other human excreta from a patient in strict or enteric isolation; medical supplies or patient care items that are contaminated by or have been in contact with a wound or the skin of a patient in wound and skin or strict isolation; medical supplies or patient contact items that are contaminated with or have been in contact with mucous or other respiratory fluids from a patient in respiratory or strict isolation; medical supplies and patient care products that are contaminated during surgery when the case is septic; all tissues and pathological waste and items that are contaminated by pathological waste; bacteriological cultures generated anywhere within the facility; blood or other excreta that are waste products from bacteriological testing; animals used in research with pathological organisms.

"HOSPITAL" means any institution, place, building, or agency public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis and treatment or care of two or more unrelated persons admitted for overnight stay or longer in order to obtain medical, including obstetric, psychiatric and nursing, care of illness, disease, injury, infirmity, or deformity. "HOSPITAL" includes general and specialized hospitals, tuberculosis sanitarium, mental or psychiatric hospitals and sanitarium, maternity homes, lying-in homes, and homes for unwed mothers in which care is given during delivery. "HOSPITAL" does not include, for example, nursing homes, offices of human or animal health care providers, out-patient clinics, or veterinary hospitals.

"INFECTIOUS AGENT" means pathogenic microorganisms capable of causing infection to human beings, and includes, but is not limited to, pathogens of disease listed by the Illinois Department of Public Health as "Reportable Diseases and Conditions" in its Rules and Regulations for the Control of Communicable Diseases, Chapter I.

"INNOCUOUS HOSPITAL WASTE" means any hazardous hospital waste which has been properly sterilized, or incinerated so as to render it incapable of causing infection.

"NORMAL HOSPITAL WASTE" means any waste containing only microorganisms which are normal, indigenous microorganisms of the human body and which are not usually found to be pathogenic. "NORMAL HOSPITAL WASTE" includes, but is not limited, to garbage, refuse, such as packaging materials removed before a product reaches patient care areas; disposable medical and patient care items such as basins and water pitchers which have not come in contact with a patient in isolation; and facial tissue and other patient contact items which have not been generated by a patient in isolation.

"STERILIZATION" means the complete destruction of microorganisms by moist or dry heat or by bactericidal chemical compounds.

Rule 902 Disposal methods for hospital waste

- a) No person shall cause or allow hazardous hospital waste to be deposited in any landfill.
- b) Hazardous hospital waste shall be disposed of by incineration in an incinerator capable of rendering such waste innocuous or, where lawful, by deposit into a municipal or private sewerage system.
- c) Innocuous hospital waste and normal hospital waste may be disposed of by incineration in an incinerator appropriate for such waste, and for which the Agency has issued a permit, by deposit in any sanitary landfill or, where lawful, by deposit into a municipal or private sewerage system.

903 Rendering hazardous hospital waste innocuous by sterilization

- a) Any hazardous hospital waste may be rendered an innocuous hospital waste by:
 1. sterilization of the waste in an autoclave provided that the autoclave's effectiveness is verified at least weekly with a biological spore assay containing B. stearothermophilus, or
 2. sterilization of the waste in a commercial ethylene oxide unit that provides controlled temperature and humidity conditions, provided that the unit is operated in accordance with the manufacturer's recommendations and the unit's effectiveness is verified during each use with a biological spore assay containing B. subtilis.
- b) Wastes so treated shall be segregated from normal hospital wastes and shall be identified in an appropriate manner as innocuous hospital waste.

Rule 904 Incinerator Permit Issuance

- a) The Agency shall adopt such procedures as are necessary for permit issuance under this Part. Such procedures shall be included in an Agency Criteria Document. The permit required under this Part may be issued as a condition of any permit issued pursuant to Section 9(b) of the Act and Chapter 2.
- b) The Agency shall issue a permit if and only if the operator submits adequate proof that the incinerator will be designed, operated and maintained so as not to cause a violation of the Act or Chapter 9, Part IX.
- c) If an Agency Criteria Document is promulgated and if it contains criteria with regard to any condition of a permit, then for purposes of permit issuance proof of conformity with the Agency Criteria Document shall be prima facie evidence of no violation. However, non-conformity with the Agency criteria document shall not be grounds for permit denial if the condition of subsection (b) of this rule is met.
- d) Until permanent rules are promulgated by the Board to replace this emergency rule, incinerator permits issued pursuant to Chapter 2 standards and procedures shall be deemed permits issued pursuant to the standards and procedures of this Part.

Rule 905 Agency Criteria

- a) The Agency may adopt criteria for the design, operation, and maintenance of incinerators to be used to render hazardous hospital waste innocuous. Such criteria as are adopted shall be set forth in an Agency Criteria Document and shall be revised from time to time to reflect current engineering judgment and advances in the state of art.
- b) In adopting new or revised criteria or procedures, the Agency shall comply with the requirements of the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1979, Ch. 127, §1001 et seq. To the extent the Agency adopts such criteria, they will represent a formal Agency interpretation of what is consistent with the Act and Chapter 9 and necessary to accomplish the purposes of the Act.

Rule 906 Recordkeeping Requirements for Generators of Hazardous Hospital Waste

Generators of hazardous hospital waste who render such waste into innocuous hospital waste pursuant to Rule 902 shall keep and make reasonably available for Agency inspection:

- a) Records of the required biological spore assay tests.
- b) Records describing the type and amounts of waste rendered innocuous.

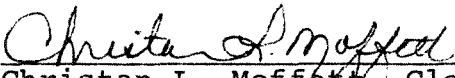
Rule 907 Defense to Enforcement Action

Reasonable reliance on a waste generator's identification of waste as innocuous or normal hospital waste shall be a complete defense to an action against a person other than the waste generator for violation of Rule 902(b).

Mr. Werner concurred.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 18th day of December 1980, by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board