

ILLINOIS POLLUTION CONTROL BOARD
May 7, 1992

IN THE MATTER OF:)
)
POTENTIALLY INFECTIOUS MEDICAL)
WASTE (PIMW): TREATMENT, STORAGE,) R91-20
AND TRANSFER FACILITIES and) (Rulemaking)
TRANSPORTATION, PACKAGING, AND)
LABELLING (35 ILL. ADM. CODE 1420,)
1430, and 1440))

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

On April 27, 1992, the Illinois Environmental Protection Agency (Agency) filed its proposal in this docket. Pursuant to the Environmental Protection Act, the Board is to "adopt regulations * * * prescribing design and operating standards and criteria for all potentially infectious medical treatment, storage, and transfer facilities", and to "adopt regulations * * * prescribing standards and criteria for transporting, packaging, segregating, labeling, and marking potentially infectious medical waste". (Ill. Rev. Stat. 1991 ch. 111½, pars. 1056.2(a) and (c) (Act).)

After a review of the proposal, the Board finds that the proposal substantially meets the requirements of the Act and the Board's procedural rules. The proposal is accepted. Hearings have been set by hearing officer order dated April 23, 1992. This order starts the timeclock for the Board's economic impact study (EcIS) determination. (See 35 Ill. Adm. Code 102.160(b).) The Board notes that the Agency has filed with its proposal a recommendation that an EcIS not be required.

The Agency has also filed a motion with the proposal, asking that it not be required to file two costly documents it seeks to incorporate by reference. The Agency states that the Board already has these documents in its possession. The Board notes that these documents have been incorporated by reference in other Board rules. The Agency's motion is granted. However, the hearing officer is authorized and directed to require the Agency to provide any additional information which may be necessary.

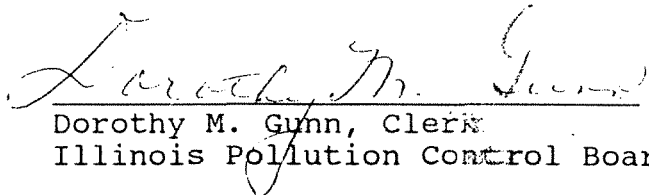
Finally, and most critically, the Board notes that pursuant to the Act, these regulations are to be adopted no later than January 1, 1993. Since this docket was opened and inquiry hearings were held, the Board has held this docket open pending assurances by the Agency that the proposal would be forthcoming. The Board recognizes that the Agency has been actively working

with the Medical Waste Tracking Study Group and others to develop this proposal. (See, Statement of Reasons, p. 3). However, it must be noted that the statutory timeframe for completion of this rulemaking is now very tight.

The task that lies ahead requires, at minimum, hearings in two areas of the State, each with a twenty day notice by publication. Also, under the Illinois Administrative Procedure Act, publication in the Illinois Register is required, with a 45-day public comment period, after which the Board is to consider the comments received in making its determination before sending the proposed rules to the Joint Committee on Administrative Rules (JCAR). JCAR has another 45 days to review the rules and make recommendations for changes. The Board then would proceed to final adoption¹. (Section 28 of the Act.) Therefore, participants must be aware that they may not have the opportunity to address all the issues apparent in this complex regulation to the degree that would be possible were the statutory deadline not so imminent. The time crunch is even more glaring in light of the fact that changes to the PIMW legislation are currently being sought that would affect the proposed regulations; these legislative changes would need to be incorporated into the rule, an endeavor that in all likelihood will consume additional time.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 14 day of May, 1992, by a vote of 7-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

¹ Each step would also include necessary lead time.