

SB3809



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3809

Introduced 2/11/2010, by Sen. Iris Y. Martinez

SYNOPSIS AS INTRODUCED:

415 ILCS 5/56.1

from Ch. 111 1/2, par. 1056.1

Amends the Environmental Protection Act. Provides that, beginning October 1, 2011, hypodermic needles, intravenous needles, and other medical needles may not be disposed of in a landfill, unless they are rendered unrecognizable by treatment. Also makes technical changes.

LRB096 20778 JDS 36529 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 56.1 as follows:

6 (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

7 Sec. 56.1. Acts prohibited.

8 (A) No person shall:

9 (a) Cause or allow the disposal of any potentially
10 infectious medical waste. Sharps may be disposed of in any
11 landfill permitted by the Agency under Section 21 of this Act
12 to accept municipal waste for disposal, if the infectious
13 potential has been eliminated from the sharps by treatment and
14 the sharps are packaged in accordance with Board regulations;
15 however, beginning October 1, 2011, no hypodermic needles,
16 intravenous needles, or other medical needles may be disposed
17 of in such a landfill, unless they have been rendered
18 unrecognizable by treatment. ~~both:~~

19 ~~(1) the infectious potential has been eliminated from~~
20 ~~the sharps by treatment; and~~

21 ~~(2) the sharps are packaged in accordance with Board~~
22 ~~regulations.~~

23 (b) Cause or allow the delivery of any potentially

1 infectious medical waste for transport, storage, treatment, or
2 transfer except in accordance with Board regulations.

3 (c) Beginning July 1, 1992, cause or allow the delivery of
4 any potentially infectious medical waste to a person or
5 facility for storage, treatment, or transfer that does not have
6 a permit issued by the agency to receive potentially infectious
7 medical waste, unless no permit is required under subsection
8 (g) (1).

9 (d) Beginning July 1, 1992, cause or allow the delivery or
10 transfer of any potentially infectious medical waste for
11 transport unless:

12 (1) the transporter has a permit issued by the Agency
13 to transport potentially infectious medical waste, or the
14 transporter is exempt from the permit requirement set forth
15 in subsection (f) (1).

16 (2) a potentially infectious medical waste manifest is
17 completed for the waste if a manifest is required under
18 subsection (h).

19 (e) Cause or allow the acceptance of any potentially
20 infectious medical waste for purposes of transport, storage,
21 treatment, or transfer except in accordance with Board
22 regulations.

23 (f) Beginning July 1, 1992, conduct any potentially
24 infectious medical waste transportation operation:

25 (1) Without a permit issued by the Agency to transport
26 potentially infectious medical waste. No permit is

1 required under this provision (f) (1) for:

2 (A) a person transporting potentially infectious
3 medical waste generated solely by that person's
4 activities;

5 (B) noncommercial transportation of less than 50
6 pounds of potentially infectious medical waste at any
7 one time; or

8 (C) the U.S. Postal Service.

9 (2) In violation of any condition of any permit issued
10 by the Agency under this Act.

11 (3) In violation of any regulation adopted by the
12 Board.

13 (4) In violation of any order adopted by the Board
14 under this Act.

15 (g) Beginning July 1, 1992, conduct any potentially
16 infectious medical waste treatment, storage, or transfer
17 operation:

18 (1) without a permit issued by the Agency that
19 specifically authorizes the treatment, storage, or transfer of
20 potentially infectious medical waste. No permit is required
21 under this subsection (g) or subsection (d) (1) of Section 21
22 for any:

23 (A) Person conducting a potentially infectious
24 medical waste treatment, storage, or transfer
25 operation for potentially infectious medical waste
26 generated by the person's own activities that are

1 treated, stored, or transferred within the site where
2 the potentially infectious medical waste is generated.

3 (B) Hospital that treats, stores, or transfers
4 only potentially infectious medical waste generated by
5 its own activities or by members of its medical staff.

6 (C) Sharps collection station that is operated in
7 accordance with Section 56.7.

8 (2) in violation of any condition of any permit issued
9 by the Agency under this Act.

10 (3) in violation of any regulation adopted by the
11 Board.

12 (4) In violation of any order adopted by the Board
13 under this Act.

14 (h) Transport potentially infectious medical waste unless
15 the transporter carries a completed potentially infectious
16 medical waste manifest. No manifest is required for the
17 transportation of:

18 (1) potentially infectious medical waste being
19 transported by generators who generated the waste by their
20 own activities, when the potentially infectious medical
21 waste is transported within or between sites or facilities
22 owned, controlled, or operated by that person;

23 (2) less than 50 pounds of potentially infectious
24 medical waste at any one time for a noncommercial
25 transportation activity; or

26 (3) potentially infectious medical waste by the U.S.

1 Postal Service.

2 (i) Offer for transportation, transport, deliver, receive
3 or accept potentially infectious medical waste for which a
4 manifest is required, unless the manifest indicates that the
5 fee required under Section 56.4 of this Act has been paid.

6 (j) Beginning January 1, 1994, conduct a potentially
7 infectious medical waste treatment operation at an incinerator
8 in existence on the effective date of this Title in violation
9 of emission standards established for these incinerators under
10 Section 129 of the Clean Air Act (42 USC 7429), as amended.

11 (B) In making its orders and determinations relative to
12 penalties, if any, to be imposed for violating subdivision
13 (A)(a) of this Section, the Board, in addition to the factors
14 in Sections 33(c) and 42(h) of this Act, or the Court shall
15 take into consideration whether the owner or operator of the
16 landfill reasonably relied on written statements from the
17 person generating or treating the waste that the waste is not
18 potentially infectious medical waste.

19 (Source: P.A. 94-641, eff. 8-22-05.)