

Acts Prohibited: Potentially Infectious Medical Waste Disposal (415 ILCS 5/56.1)

Sec. 56.1. Acts prohibited.

A. No person shall:

- a. Cause or allow the disposal of any potentially infectious medical waste. Sharps may be disposed in any landfill permitted by the Agency under Section 21 of this 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 Board regulations.
- b. Cause or allow the delivery of any potentially infectious medical waste for transport, storage, treatment, or transfer except in accordance with Board regulations.
- c. Beginning July 1, 1992, cause or allow the delivery of any potentially infectious medical waste to a person or facility for storage, treatment, or transfer that does not have a permit issued by the agency to receive potentially infectious medical waste, unless no permit is required under subsection (g)(1).
- d. Beginning July 1, 1992, cause or allow the delivery or transfer of any potentially infectious medical waste for transport unless:
 1. the transporter has a permit issued by the Agency to transport potentially infectious medical waste, or the transporter is exempt from the permit requirement set forth in subsection (f)(1).
 2. a potentially infectious medical waste manifest is completed or the waste if a manifest is required under subsection (h).
- e. Cause or allow the acceptance of any potentially infectious medical waste for purposes of transport, storage, treatment, or transfer except in accordance with Board regulations.
- f. Beginning July 1, 1992, conduct any potentially infectious medical waste transportation operation:
 1. Without a permit issued by the Agency to transport potentially infectious medical waste. No permit is required under this provision (f)(1) for:
 - A. a person transporting potentially infectious medical waste generated solely by that person's activities;
 - B. noncommercial transportation of less than 50 pounds of potentially infectious medical waste at any one time; or
 - C. the U.S. Postal Service.
 2. In violation of any condition of any permit issued by the Agency under this Act.
 3. In violation of any regulation adopted by the Board.
 4. In violation of any order adopted by the Board under this Act.
- g. Beginning July 1, 1992, conduct any potentially infectious medical waste treatment, storage, or transfer operation:
 1. without a permit issued by the Agency that specifically authorizes the treatment, storage, or transfer of potentially infectious medical waste. No permit is required under this subsection (g) for any:

- A. Person conducting a potentially infectious medical waste treatment, storage, or transfer operation for potentially infectious medical waste generated by the person's own activities that are treated, stored, or transferred within the site where the potentially infectious medical waste is generated.
 - B. Hospital that treats stores, or transfers only potentially infectious medical waste generated by its own activities or by members of its medical staff.
 - 2. in violation of any condition of any permit issued by the Agency under this Act.
 - 3. in violation of any regulation adopted by the Board.
 - 4. In violation of any order adopted by the Board under this Act.
- h. Transport potentially infectious medical waste unless the transporter carries a completed potentially infectious medical waste manifest. No manifest is required for the transportation of:
- 1. potentially infectious medical waste being transported by generators who generated the waste by their own activities, when the potentially infectious medical waste is transported within or between sites or facilities owned, controlled, or operated by that person;
 - 2. less than 50 pounds of potentially infectious medical waste at any one time for a noncommercial transportation activity; or
 - 3. potentially infectious medical waste by the U.S. Postal Service.
- i. Offer for transportation, transport, deliver, receive or accept potentially infectious medical waste for which a manifest is required, unless the manifest indicates that the fee required under Section 56.4 of this Act has been paid.
- j. Beginning January 1, 1994, conduct a potentially infectious medical waste treatment operation at an incinerator in existence on the effective date of this Title in violation of mission standards established for these incinerators under Section 129 of the Clean Air Act (42 USC 7429), as amended.
- B. In making its orders and determinations relative to penalties, if any, to be imposed for violating subdivision (A)(a) of this Section, the Board, in addition to the factors in Sections 33(c) and 42(h) of this 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.

(Source: P.A. 92-574, eff. 6-26-02.)