

HOUSE BILL No. 5368

October 31, 2001, Introduced by Reps. McConico, Woodward, Thomas, Lemmons, Hale and Minore and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 5504 (MCL 324.5504).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5504. (1) Beginning ~~on June 6, 1991 or~~ on the effec-
2 tive date of the rules promulgated under subsection (5),
3 ~~whichever is later,~~ a facility that incinerates medical waste
4 shall not be operated unless the facility has been issued an
5 operating permit by the department.
6 (2) An application for an operating permit under subsection
7 (1) shall be submitted in the form and contain the information
8 required by the department. The department shall issue an oper-
9 ating permit only if the facility is in compliance with this part
10 and the rules promulgated under this part.

1 (3) A permit issued under this section shall be valid for
2 5 years. Upon expiration, a permit may be renewed.

3 (4) Within 2 years after the effective date of the rules
4 promulgated under subsection (5), the department shall review all
5 operating permits issued under this part for facilities that
6 incinerate medical waste that were issued permits prior to the
7 promulgation of the rules under subsection (5). If, upon review,
8 the department determines that the facility does not meet the
9 requirements of the rules promulgated under subsection (5) and
10 cannot be retrofitted to comply with these rules, the department
11 shall issue an interim operating permit that is valid for 2 years
12 only. If the facility only needs retrofitting in order to comply
13 with the rules, the facility shall be granted an interim permit
14 that is valid for 1 year only. However, in either case the
15 facility shall comply with this part and all other rules promul-
16 gated under this part for the interim period. An interim operat-
17 ing permit shall provide that if the facility is within 50 miles
18 of another facility that is in compliance with the rules promul-
19 gated under subsection (5), the facility operating under the
20 interim operating permit may receive only medical waste that is
21 generated on the site of that facility, at a facility owned and
22 operated by the person who owns and operates that facility, or at
23 the private practice office of a physician who has privileges to
24 practice at that facility, if the facility is a hospital. The
25 department shall renew an operating permit for a facility only if
26 the facility is in compliance with this part and the rules
27 promulgated under this part.

1 (5) The department shall promulgate rules to do both of the
2 following:

3 (a) Regulate facilities that incinerate medical waste.

4 These rules shall cover at least all of the following areas:

5 (i) Incinerator design and operation.

6 (ii) Ash handling and quality.

7 (iii) Stack design.

8 (iv) Requirements for receiving medical waste from genera-
9 tors outside the facility.

10 (v) Air pollution control requirements.

11 (vi) Performance monitoring and testing.

12 (vii) Record keeping and reporting requirements.

13 (viii) Inspection and maintenance.

14 (b) Regulate the operation of facilities that incinerate
15 only pathological waste and limited other permitted solid waste.

16 (6) THE RULES PROMULGATED UNDER SUBSECTION (5) SHALL NOT BE
17 LESS PROTECTIVE THAN 40 C.F.R. 60.30e TO 60.39e AND 60.50c TO
18 60.58c WOULD BE IF AMENDED AS DESCRIBED IN HEALTH CARE WITHOUT
19 HARM, MODEL STATE REGULATIONS: MEDICAL WASTE INCINERATORS, PARA-
20 GRAPHS 1-8 (1998).

21 (7) BY JULY 1, 2002, THE DEPARTMENT SHALL TAKE PUBLIC COM-
22 MENT ON AND PREPARE A REPORT AS TO WHETHER THERE ARE FEASIBLE AND
23 PRUDENT ALTERNATIVES TO INCINERATION FOR THE DISPOSAL OF MEDICAL
24 WASTE THAT RESULT IN LESS POLLUTION, IMPAIRMENT, AND DESTRUCTION
25 OF THE NATURAL RESOURCES OF THIS STATE. IF THE REPORT FINDS THAT
26 FEASIBLE AND PRUDENT ALTERNATIVES DO EXIST, THE DEPARTMENT SHALL
27 CEASE ISSUING PERMITS FOR THE INCINERATION OF MEDICAL WASTE.

1 (8) ~~-(6)-~~ A permit issued under this section may allow a
2 facility to receive pathological or medical wastes that were gen-
3 erated off the site of the facility. However, the owner or oper-
4 ator of the facility shall keep monthly records of the source of
5 the wastes and the approximate volume of the wastes received by
6 the facility.

7 (9) ~~-(7)-~~ As used in this section, ~~-(a) "Medical waste"~~
8 ~~means that term as it is~~ "MEDICAL WASTE" AND "PATHOLOGICAL
9 WASTE" MEAN THOSE TERMS AS defined in part 138 of the public
10 health code, ~~Act No. 368 of the Public Acts of 1978, being~~
11 ~~sections 333.13801 to 333.13831 of the Michigan Compiled Laws~~
12 1978 PA 368, MCL 333.13801 TO 333.13831.

13 ~~-(b) "Pathological waste" means that term as it is defined~~
14 ~~in part 138 of the public health code.~~