

8/16/04, 8/9/04

88-O-04

AN ORDINANCE

**Amending Chapter 10 of Title 4 of the Evanston City Code
Prohibiting the Operation of
Hospital / Medical / Infectious Waste Incinerators**

WHEREAS, the City of Evanston is an Illinois municipal corporation having home rule powers under Article VII of the 1970 Illinois Constitution; and

WHEREAS, among the powers granted to a home rule unit by Article VII, Section VI of the 1970 Illinois Constitution is that to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City of Evanston is authorized to and does regulate air pollution in Title 4, Chapter 10, the Environmental Control Code, of the Evanston City Code; and

WHEREAS, hospital/ medical/ infectious waste ("PIMW") incinerators emit or have the potential to emit dioxins/ furans, lead, cadmium, mercury (collectively, "hazardous air pollutants"), particulate matter and other pollution into the atmosphere; and

WHEREAS, concentrations of hazardous air pollutants and particulate matter are generally higher near the source of pollution and, therefore, present an elevated health risk to people living and working in close proximity to the source; and

WHEREAS, the City Council finds that hazardous air pollutants emitted from PIMW incinerators can cause health problems for those people living and working in the area around such incinerators; and

WHEREAS, the City Council finds that continued exposure to hazardous air pollutants emitted from PIMW incinerators can cause increased health problems to individuals exposed to such pollutants; and

WHEREAS, the City Council does hereby find that PIMW incinerators emit hazardous air pollutants which cause serious health problems for individuals exposed to such pollutants;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That Title 4 of the Evanston City Code, 1979, as amended, be and is hereby further amended by adding to Section 4-10-3(B) the following definition:

CHAPTER 4-10-3(B):

POTENTIALLY INFECTIOUS MEDICAL WASTE (PIMW): The following types of waste generated in connection with the diagnosis, treatment (*i.e.*, provision of medical services), or immunization of human beings or animals; research pertaining to the provision of medical services; or the provision or testing of biologicals:

- Cultures and stocks. This waste shall include but not be limited to cultures and stocks of agents infectious to humans, and associated biologicals; cultures from medical or pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live or attenuated vaccines; or culture dishes and devices used to transfer, inoculate, or mix cultures.
- Human pathological wastes. This waste shall include tissue, organs, and body parts (except teeth and the contiguous structures of bone and gum),

body fluids that are removed during surgery, autopsy, or other medical procedures; or specimens of body fluids and their containers.

- Human blood and blood products. This waste shall include discarded human blood, blood components (e.g., serum and plasma), or saturated material containing free flowing blood or blood components.
- Used sharps. This waste shall include but not be limited to discarded sharps used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories; hypodermic, intravenous, or other medical needles; hypodermic or intravenous syringes; Pasteur pipettes; scalpel blades; or blood vials. This waste shall also include but not be limited to other types of broken or unbroken glass (including slides and cover slips) in contact with infectious agents.
- Animal waste. Animal waste means discarded materials, including carcasses, body parts, body fluids, blood, or bedding originating from animals inoculated during research, production of biologicals, or pharmaceutical testing with agents infectious to humans.
- Isolation waste. This waste shall include discarded materials contaminated with blood, excretions, exudates, and secretions from humans that are isolated to protect others from highly communicable diseases. "Highly communicable diseases" means those diseases identified, pursuant to the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 1001 *et seq.*).
- Unused sharps. This waste shall include but not be limited to the following unused, discarded sharps: hypodermic, intravenous, or other needles; hypodermic or intravenous syringes; or scalpel blades.

Potentially infectious medical waste does not include:

- Waste generated as general household waste;
- Waste (except for sharps) for which the infectious potential has been eliminated by treatment; or
- Sharps that meet both of the following conditions:
 - the infectious potential has been eliminated from the sharps by treatment; and
 - the sharps are rendered unrecognizable by treatment.

SECTION 2: That Section 4-10-10-2 of the Evanston City Code, 1979, as amended, be and is further amended by adding new Subsection 4-10-10-2(F):

4-10-10-2(F): HOSPITAL/ MEDICAL/ INFECTION WASTE INCINERATORS:
It shall be unlawful for any person to operate a PIMW incinerator or other thermal destruction device in the City of Evanston to burn or otherwise process Potentially Infectious Medical Waste, as defined in Section 4-10-3(B) of this Code, after October 15, 2004.

SECTION 3: That Section 4-10-10-7 of the Evanston City Code, 1979, as amended, is hereby further amended by adding the following new subsection:

4-10-10-7: PENALTY:
(D) The fine for a violation of Section 4-10-10-2(F) is \$750.00 per day per violation.

SECTION 4: That the City Manager is authorized to seek injunctive relief or other remedies in addition to or in lieu of a fine not to exceed \$750.00 per day per violation.

SECTION 5: That all ordinances or parts of ordinances thereof in conflict with this ordinance are hereby repealed to the extent of any such conflict.

SECTION 6: That any Section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

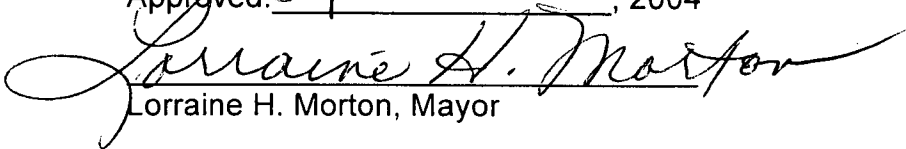
SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: August 16, 2004

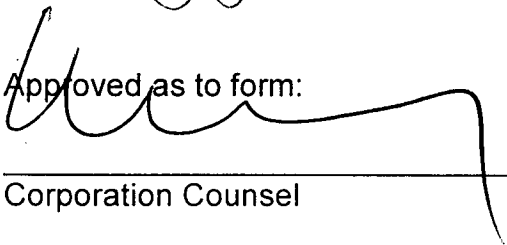
Adopted: September 13, 2004

Approved: September 16, 2004


Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk

Approved as to form:

Corporation Counsel

