
OLR Bill Analysis

sSB 80

AN ACT CONCERNING THE BURNING OF MEDICAL WASTE.

SUMMARY

This bill requires anyone incinerating treated or untreated hospital, medical, or infectious waste, or accepting this waste for incineration, (i.e. incinerators) to have a Department of Energy and Environmental Protection (DEEP) permit that sets emissions requirements that are no less stringent than specified U.S. Environmental Protection Agency (EPA) standards. The bill's requirements apply to all applicable incinerators, including specified incinerators that are exempt from these EPA emission standards under federal regulation. Under the bill, if more stringent federal or state standards are established in the future, those standards will apply to these incinerators.

Under the bill, within 180 days of its passage, owners or operators of facilities burning any amount of this waste must (1) run continuous emissions monitors for mercury and hydrochloric acid and (2) continuously sample for dioxins and furans to get back-to-back monthly samples. These owners and operators must post the monitoring and sampling data on their websites.

EFFECTIVE DATE: Upon passage

APPLICABLE INCINERATORS

The bill's provisions apply to anyone incinerating treated (autoclaved or subjected to other technology that reduces or eliminates infectious properties) or untreated hospital, medical, or infectious waste, as those terms are defined in EPA regulations. Specifically, this is waste generated:

1. at a hospital, other than human corpses, remains, and anatomical parts intended for interment or cremation (hospital waste); or

2. in diagnosing, treating, or immunizing human beings or animals, in conducting related research, or in producing or testing specified biologicals (e.g., cultures from medical labs, human pathological waste, and sharps), with certain exceptions (medical or infectious waste).

The bill additionally specifies that, for the purpose of these permits, its requirements apply to the following incinerators that are exempt from the EPA regulations described below:

1. co-fired combustors (units that incinerate hospital, medical, or infectious waste with other fuels or wastes, like municipal solid waste, where the hospital, medical, or infectious waste makes up 10% or less (by weight) of the fuel feed stream as measured on a quarterly basis), subject to certain notification and record keeping requirements;
2. combustors required to have a permit under the federal Solid Waste Disposal Act;
3. municipal waste combustors that meet certain federal applicability requirements; and
4. pyrolysis units (units that use external energy for the endothermic gasification of hospital, medical, or infectious waste).

Under the EPA regulations, additional incinerators are exempt from its emissions standards, specifically:

1. combustors that only incinerate pathological waste, low-level radioactive waste, or chemotherapeutic waste, subject to certain notification and record keeping requirements; and
2. cement kilns firing hospital, medical, or infectious waste.

EPA EMISSION REQUIREMENTS

Under the bill, the applicable incinerators must operate under a DEEP-issued permit that sets emissions requirements that are at least as

stringent as those established in the specified EPA regulations as of January 1, 2025 (“Emissions Limits for Small, Medium, and Large HMWI at Affected Facilities, as Defined in Section 60.50c(a)(3) and (4)”; 40 C.F.R. § Pt. 60, Subpt. Ec, Tbl. 1B). (“HMWI” refers to hospital/medical/infectious waste incinerators, which includes any device that combusts hospital, medical, or infectious waste.)

These regulations generally set emissions limits for pollutants (particulate matter, carbon monoxide, dioxins or furans, hydrogen chloride, sulfur dioxide, nitrogen oxides, lead, cadmium, and mercury) that depend on the incinerator’s size. They specify requirements for measuring these emissions and demonstrating compliance.

BACKGROUND

DEEP Air Emissions Permits

DEEP issues a number of air quality permits under its existing statutory and regulatory authority. The agency’s new source review (NSR) permit program, in particular, regulates air emissions from new and modified stationary sources, including incinerators for which construction started on or after June 1, 2009, with certain exceptions. NSR permits are issued to an individual piece of equipment at a premises. The permit contains equipment design specifications; operational limitations; monitoring, record keeping, and reporting requirements; testing schedules; and emission limitations to ensure that, at a minimum, emissions comply with state and federal criteria and pollutant and hazardous air pollutant regulations, and that the proposed activity will not cause any significant deterioration of air quality.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 6 (03/24/2025)