

ORDINANCE NO. 2313

AN ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
THE CHULA VISTA MUNICIPAL CODE BY ADDING A NEW
CHAPTER 8.36 RELATING TO THE REGULATION OF THE
STORAGE AND DISPOSAL OF MEDICAL WASTES

The City Council of the City of Chula Vista does hereby
ordain as follows:

SECTION 1: That Chapter 8.36 is hereby added to the
Chula Vista Municipal Code to read as follows:

CHAPTER 8.36 MEDICAL WASTES

Sec. 8.36.010 Definitions of Terms.

- A. Biomedical Waste means any waste which is generated or has been used in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, in the production or testing of biologicals, or which may contain infectious agents and may pose a substantial threat to health. Biomedical waste includes biohazardous waste and medical solid waste. Biomedical waste does not include hazardous waste (as defined in California Health and Safety Code Section 25117 and California Code of Regulations Title 22 Articles 9 or 11) or radioactive waste (as defined in California Health and Safety Code Section 25805(e)).
- B. Biohazardous Waste means any of the following:
1. Laboratory waste, including, but not limited to, specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate and mix cultures or material which may contain infectious agents and may pose a substantial threat to health.
 2. Recognizable fluid blood element and regulated body fluids, and containers and articles contaminated with blood elements or regulated body fluids that readily separate from the solid portion of the waste under ambient temperature and pressure. Regulated body fluids are cerebrospinal fluid, synovial fluids, pleural fluid, peritoneal fluid, pericardial fluid, and amniotic fluid.

3. Sharps, which are objects or devices having acute rigid corners, edges, or protuberances capable of cutting or piercing, including, but not limited to, hypodermic needles, blades, and slides.
 4. Contaminated animal carcasses, body parts, excrement and bedding of animals including materials resulting from research, production of biologicals, or testing of pharmaceuticals which are suspected of being infected with a disease communicable to humans.
 5. Any specimens sent to a laboratory for microbiologic analysis.
 6. Surgical specimens including human or animal parts or tissues removed surgically or by autopsy.
 7. Such other waste materials that result from the administration of medical care to a patient by health care providers and are found by the administering agency or the local Health Officer to pose a threat to human health or the environment. If there is a difference in opinion between the administering agency and the local Health Officer, the local Health Officer's view will prevail.
- C. Medical Solid Waste shall include, but not be limited to, waste such as empty specimen containers, bandages, dressings containing non-liquid blood, surgical gloves, decontaminated biohazardous waste, and other materials which are not biohazardous.
- D. Sharps Containers are: leakproof, rigid, puncture-resistant containers which when sealed cannot be reopened without great difficulty. These containers must be labeled with either "biohazard" or "infectious waste" on the outside of the container. These containers must also be labelled so that the producer's name, address and phone number are legible and easily visible on the outside of the container.
- E. Red Bag means a disposable plastic bag which is impervious to moisture and has a strength sufficient to preclude ripping, tearing or bursting under normal conditions of usage and handling of the waste-filled bag. Each bag shall be constructed of material of sufficient single thickness strength to pass the 165-gram dropped dart impact resistance test as prescribed by Standard D 1709-75 of the American Society for Testing and Materials and certified by the bag manufacturer. The bags shall be securely tied so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling or transport. The bag shall be red in color and

conspicuously labelled with the international biohazard symbol and the word "Biohazard". The bag shall be labeled so that the producer's name, address and phone number are legible and easily visible on the outside of the bag.

- F. Permitted Biohazardous Waste Hauler is a hauler who has received a permit from the appropriate agency to haul biohazardous waste.
- G. Solid Waste Hauler is a hauler licensed by the appropriate agency to haul solid waste.
- H. Biomedical Waste Management Plan is a document which shall be completed by generators of biomedical waste on forms prepared by the Environmental Health Division of the Department of Health Services and shall contain the following information:
 - 1. Name, address, telephone number, establishment, number of the generator, the responsible person, and an emergency telephone number which will provide 24 hour access to the responsible person.
 - 2. Descriptions of the type and quantity of biomedical wastes generated and the containers used to store and dispose of the wastes.
 - 3. Methods used to store, treat and dispose of biohazardous wastes.
 - 4. Methods used to store and dispose of medical solid wastes.
 - 5. A statement assuring that all personnel handling biomedical wastes have received training in aspects of handling the wastes in accordance with this Chapter and the biomedical waste management plan.

The responsible person shall certify by his or her signature that the biomedical waste management plan is true, and that the generator will comply with the provisions thereof.

- I. Putrescible Biohazardous Waste means biohazardous waste subject to decomposition by microorganisms which produce a foul odor. Putrescible biohazardous waste includes, but is not limited to, blood and urine specimens and cultures.
- J. Exhibit A, attached hereto and incorporated herein, is adopted as part of this ordinance as a guideline for enforcement.

Sec. 8.36.020 Medical Solid Wastes.

Any person who is a generator, or an employee of a generator of medical solid wastes, shall store such wastes prior to disposal in an area secured as to deny access to unauthorized persons, animals, wind, rain, insects, and rodents. If such wastes are placed in a trash receptacle or compactor which is accessible at any time to unauthorized persons, such receptacle or compactor shall be locked to prevent access to the contents thereof to anyone other than authorized persons or refuse collection personnel.

Sec. 8.36.030 Biohazardous Wastes - Small Generators.

- A. It shall be unlawful for any generator of biohazardous wastes who produces less than 220 pounds of such waste per month to store or dispose of such wastes without an annual permit therefor from the Deputy Director of Environmental Health Services.
- B. Any person desiring a permit required by this chapter shall make application therefor as prescribed in Section 8.36.030 of this Code.
- C. Any person who is a generator, or an employee of a generator, of Biohazardous Wastes, and produces less than 220 pounds of such waste per month, shall store and dispose of such waste in the manner provided for in Sections 66840(f), 66840(g), 66840(h), and 66845(a)-(c) of Title 22 of the California Code of Regulations, and shall maintain on the premises a copy of the current biomedical waste management plan, and documentation verifying the manner of disposal used. Unless approved by the Deputy Director of Environmental Health Services, putrescible biohazardous waste shall not be maintained by the generator for more than seven days. Non-putrescible biohazardous waste (including sharps) shall not be maintained by the generator for more than six months. The sections specified in this section are hereby incorporated into and made a part of the Chula Vista Municipal Code. Not less than three copies of the specified sections are on file in the office of the City Clerk of the City of Chula Vista.

Sec. 8.36.040 Biohazardous Wastes - Large Generators.

Any person who is a generator, or an employee of a generator, of biohazardous wastes, and produces 220 pounds or more of such wastes per month, shall store and dispose of such waste in the manner provided for in Section 66840(a)-(m), 66845(a)-(c), 66850(a)-(h), 66855(a)-(d), 66860, and 66865 of Title 22 of the California Code of Regulations, and shall maintain on the premises a copy of the current biomedical

waste management plan, and documentation verifying the manner of disposal used. The sections of Title 22 of the California Code of Regulations specified in this subdivision (d) are hereby incorporated into and made a part of the Chula Vista Municipal Code. Not less than three copies of the specified sections are on file in the office of the City Clerk of the City of Chula Vista.

Sec. 8.36.045 Transporting and Dumping.

- A. No person shall transport or collect hazardous wastes without compliance with applicable state law.
- B. No person shall deposit, dump, spill, or otherwise allow to be placed on a County Solid Waste Facility not designated as a hazardous waste disposal facility, any waste classified as hazardous or infectious by State and Federal law or County Ordinance.

Sec. 8.36.050 Sharps Containers and Red Bags - Additional Requirements.

In addition to the requirements of Sections 8.36.030 and 8.36.040, all generators of biohazardous wastes shall meet the following requirements:

- A. All sharps containers and red bags used in complying with Sections 8.36.030 and 8.36.040 shall be of the type defined in Section 8.36.010D and E.
- B. All sharps containers and red bags shall be labelled in accordance with Section 8.36.010D and E prior to placing any materials in said containers or bags.
- C. When wastes are to be processed in an autoclave prior to disposal by the generator they may be placed in a single red bag which must be placed in a clear auto-clave bag which is labelled in the same manner as required for red bags in Section 8.36.010E. More than one red bag may be placed in an autoclave bag.
- D. Wastes which are not processed in an autoclave prior to disposal by the generator shall be stored and disposed of in a red bag which is sealed inside of a second red bag.
- E. Needles and syringes shall not be clipped prior to disposal.
- F. Red bags, as defined above, shall be used only for the storage and disposal of biohazardous wastes

G. All materials disposed of in sharps containers shall be managed in the manner prescribed for biohazardous wastes in Section 8.36.030 whether or not the materials are actually biohazardous wastes as defined in section 8.36.010B.

Sec. 8.36.060 Management Plan-Preparation and Filing.

A. All generators of biomedical wastes shall prepare a Biomedical Waste Management Plan as defined in Section 8.36.010H. The plan shall be filed with the Deputy Director of Environmental Health Services Division of the Department of Health Services, and a copy shall be kept at all times on the premises of the facility in which biomedical wastes are being generated.

B. Every Biomedical Waste Management Plan shall be updated and re-filed annually, or when any of the information contained therein has changed, whichever occurs first.

Sec. 8.36.070 Exemption.

Sections 8.36.010-8.36.050 shall not be applicable to biomedical wastes produced by individuals through personal use at their residences and which are disposed of through residential service as defined in Chapter 8.24 of this code.

Sec. 8.36.080 Civil Penalty.

Any person who violates any of the provisions of this Chapter shall be liable for a civil penalty not to exceed fifteen thousand dollars (\$15,000) for each such violation.

Sec. 8.36.090 Additional Remedies.

The civil penalty provisions of this Chapter is in addition to any existing remedy authorized by law and are not to be construed as conflicting with or in dereliction of, any provisions of this Chapter or of this Code or of law. Said provisions are to be construed as independent and non-exclusive and in no way conditioned upon each other.

Sec. 8.36.100 Enforcement.

The Deputy Director of the Environmental Health Services Division of the Department of Health Services of the County of San Diego shall be responsible for enforcing the provisions of this chapter. The Environmental Health Services division of the Department of Health Services shall be the administering agency.

Sec. 8.36.110 Annual Inspection Fees.

Each business establishment handling medical waste shall pay a fee, the exact amount which shall be determined by the County of San Diego and kept on record by the County Department of Health Services and on file in the office of the City Clerk of the city. In any case where the applicant has failed for a period of thirty days to file the application and obtain the required permit, license or registration there shall be added to and collected with the required fee a penalty as established by the County of San Diego and kept on record by the County Department of Health Services. The imposition or payment of the penalty imposed by this section shall not prohibit the imposition of any other penalty prescribed by this chapter or a criminal prosecution for violation of this chapter.

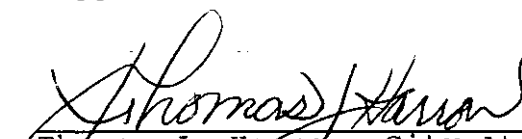
SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



William J. Winters, Director
of Public Safety

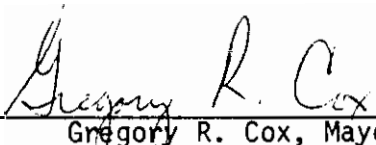


Thomas J. Harron, City Attorney

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PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista California, this 10th day of October, 1989 by the following vote:

AYES Councilmembers: Malcolm, McCandliss, Moore, Nader, Cox
NOES: Councilmembers: None
ABSENT: Councilmembers: None
ABSTAIN: Councilmembers: None



Gregory R. Cox, Mayor

ATTEST:



Beverly A. Authelet, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, Beverly A. Authelet, City Clerk of the City of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2313 had its first reading on October 3, 1989 and its second reading and adoption at a regular meeting of said City Council held on the 10th day of October, 1989.

Executed this 10th day of October, 1989.



Beverly A. Authelet, City Clerk

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BIOMEDICAL WASTE MANAGEMENT: GENERAL REQUIREMENTS FOR SMALL GENERATORS (<220 LBS)*

	BIOHAZARDOUS		MEDICAL SOLID WASTE
	NON-SHARPS	SHARPS	
Storage	Non-putrescible: 6 months Putrescible: 7 days	6 months	Contained and secured to prevent unauthorized access.
Containment	Double red bags and reuseable containers with lids or Red bag inside clear autoclave bag (on-site treatment only)	Leakproof, rigid, puncture-resistant container - when closed, prevents re-entry	
Labeling	Name, address, and phone number of producer must appear legibly on container before waste is placed inside.		No Requirements
Treatment	Sterilization or Incineration (State approved methods only)		No Requirements
Disposal	Biohazardous waste becomes medical solid waste once sterilized. Must be contained and secured before disposal to municipal landfill.		Municipal Landfill
Transport	<u>Sterilized:</u> Solid Waste requirements <u>Unsterilized:</u> Registered biohazardous waste hauler (State permitted)		Licensed Solid Waste Hauler (General Trash Hauler)
Records	<u>On-site Treatment:</u> Autoclave maintenance and Quality Control records. <u>Off-site Treatment:</u> Hauler agreement and receipts. <u>Plus:</u> Biomedical Waste Management Plan		No requirements

*These requirements do not include all compliance requirements for State licensed healthcare facilities.