

LEGISLATIVE HISTORY CHECKLIST

NJSA: 13:1E-48.7 and 13:1E-48.12

(Medical waste control--limit fees DEP can charge)

LAWS OF: 1989

CHAPTER: 240

Bill No: S3867

Sponsor(s): Dalton and others

Date Introduced: November 29, 1989

Committee: Assembly: -----

Senate: Energy and Environment

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 18, 1989

Senate: December 11, 1989

Date of Approval: January 2, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: Yes

974.90 New Jersey. Legislature. Assembly. Solid Waste Management  
M966 Committee.  
1989 Public hearing on A.R. 111... to conduct an inquiry into setting  
of rates and charges for disposal of solid waste, held 4-17-89.  
(over)

974.90 New Jersey. Legislature. Assembly. Solid Waste Management  
M966 Committee.  
1989a Public hearing on...fees to be imposed on regulated  
waste generators pursuant to "Comprehensive Solid Waste  
Management Act," held 7-10-89. Trenton, 1989.

See newspaper clippings--attached:

[FIRST REPRINT]

SENATE, No. 3867

STATE OF NEW JERSEY

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INTRODUCED NOVEMBER 20, 1989

By Senators DALTON, COSTA, McNAMARA,  
LASKIN, GORMLEY and D'AMICO

1 AN ACT concerning regulated medical waste generator fees, and  
2 amending <sup>1</sup>and supplementing<sup>1</sup> P.L.1989, c.34.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. Section 7 of P.L.1989, c.34 (C.13:1E-48.7) is amended to  
7 read as follows:

8 7. (New section) Every generator shall register with the  
9 Department of Environmental Protection on a form prescribed by  
10 the department, and pay an annual fee therefor in an amount set  
11 by the department pursuant to a rule or regulation adopted in  
12 accordance with the "Administrative Procedure Act." The  
13 department shall set annual fees [in accordance with a sliding  
14 scale] based upon the volume of the regulated medical waste  
15 produced by the generator. The annual fees shall not exceed the  
16 following limitations:

17 <sup>1</sup>[I. Under 50 pounds \$100.00.  
18 II. 50 - 300 pounds \$500.00.  
19 III. 300 - 1000 pounds \$1,000.00.  
20 IV. Over 1000 pounds \$1,500.00.]

21

22 I. Under 50 pounds per year \$100.00.  
23 II. 50 - 200 pounds per year \$300.00.  
24 III. Over 200 - 300 pounds per year \$500.00.  
25 IV. Over 300 - 1000 pounds per year \$1,000.00.  
26 V. Over 1000 pounds per year \$3,500.00.<sup>1</sup>

27 The generator shall indicate on the registration form the name of  
28 every transporter retained by the generator to collect the  
29 generator's regulated medical waste.

30 (cf: P.L.1989, c.34, s.7)

31 2. Section 12 of P.L.1989, c.34 (C.13:1E-48.12) is amended to  
32 read as follows:

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SEN committee amendments adopted November 30, 1989.

1       12. (New section) a. The Department of Environmental  
2 Protection, in conjunction with the Board of Public Utilities, shall  
3 adopt appropriate rules or regulations or issue administrative  
4 orders providing for the interdistrict or intradistrict flow of  
5 regulated medical waste. The rules, regulations, or administrative  
6 orders shall establish the manner in which the department and the  
7 board jointly will direct the flow of regulated medical waste in  
8 this State pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.),  
9 P.L.1970, c.40 (C.48:13A-1 et seq.) and the provisions of this act,  
10 and determine where regulated medical waste may be disposed.

11       b. The Board of Public Utilities shall have jurisdiction over  
12 rates or charges for the disposal of regulated medical waste  
13 received by any commercial incinerator or commercial facility in  
14 this State that accepts regulated medical waste for disposal. The  
15 department, in conjunction with the board, may require any solid  
16 waste facility to accept for disposal regulated medical waste  
17 prepared for that purpose in accordance with the provisions of  
18 this act, and any rule or regulation adopted pursuant thereto, on  
19 the same terms and under the same conditions as ordinary solid  
20 waste.

21       c. The Board of Public Utilities shall not have jurisdiction over  
22 rates or charges for the disposal of regulated medical waste  
23 imposed by any noncommercial facility in this State that accepts  
24 regulated medical waste for disposal, without regard to whether  
25 the regulated medical waste was generated onsite or otherwise.

26       d. (1) The Commissioner of Health shall recommend to the  
27 Hospital Rate Setting Commission adjustments to the  
28 reimbursement rates for affected generators for activities that  
29 are required under this act, but that are not currently reimbursed  
30 under the rate setting system established by section 5 of  
31 P.L.1978, c.83 (C.26:2H-4.1). The Division of Medical Assistance  
32 and Health Services shall recommend to the Commissioner of  
33 Human Services adjustments to the reimbursement rates under  
34 Medicaid for affected generators for activities that are required  
35 under this act, but that are not currently reimbursed under the  
36 Medicaid rate setting system.

37       (2) The Commissioner of Health shall develop and implement a  
38 generic appeal process, under which any hospital may petition the  
39 Hospital Rate Setting Commission under the appropriate appeal

1 option for the expeditious reimbursement of the costs incurred in  
2 complying with the provisions of this act, including the amount of  
3 the annual registration fee paid to the department by generators  
4 of regulated medical waste pursuant to section 7 of P.L.1989,  
5 c.34 (C.13:1E-48.7), to the extent that these costs and the annual  
6 fee is not currently reimbursed under the rate setting system  
7 established by P.L.1971, c.136 (C.26:2H-1 et seq.) or section 5 of  
8 P.L.1978, c.83 (C.26:2H-4.1), as the case may be.  
9 (cf: P.L.1989, c.34, s.12)<sup>1</sup>

10 <sup>13.</sup> (New section) Within six months of the effective date of  
11 this act, the department shall reimburse each generator of  
12 regulated medical waste the difference between the amount of  
13 the annual fee assessed and collected pursuant to rules and  
14 regulations adopted by the department on August 25, 1989 and  
15 the amount assessed against the generator pursuant to section 7  
16 of P.L.1989, c.34 (C.13:1E-48.7) as amended by section 1 of  
17 P.L. , c. (now before the Legislature as this bill).<sup>1</sup>

18 <sup>1[2.] 4.</sup><sup>1</sup> This act shall take effect immediately.

19

20

21

## ENVIRONMENT

22

### Solid Waste

23

24

Imposes limitations on the annual fees the DEP may charge and  
25 collect from medical waste generators.

SENATE, No. 3867

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 20, 1989

By Senators DALTON, COSTA, McNAMARA,  
LASKIN, GORMLEY and D'AMICO

1 AN ACT concerning regulated medical waste generator fees, and  
2 amending P.L.1989, c.34.

3

4 BE IT ENACTED *by the Senate and General Assembly of the*  
5 *State of New Jersey:*

6 1. Section 7 of P.L.1989, c.34 (C.13:1E-48.7) is amended to  
7 read as follows:

8 7. (New section) Every generator shall register with the  
9 Department of Environmental Protection on a form prescribed by  
10 the department, and pay an annual fee therefor in an amount set  
11 by the department pursuant to a rule or regulation adopted in  
12 accordance with the "Administrative Procedure Act." The  
13 department shall set annual fees [in accordance with a sliding  
14 scale] based upon the volume of the regulated medical waste  
15 produced by the generator. The annual fees shall not exceed the  
16 following limitations:

17

- |    |                               |                   |
|----|-------------------------------|-------------------|
| 18 | <u>I. Under 50 pounds</u>     | <u>\$100.00.</u>  |
| 19 | <u>II. 50 - 300 pounds</u>    | <u>\$500.00.</u>  |
| 20 | <u>III. 300 - 1000 pounds</u> | <u>\$1000.00.</u> |
| 21 | <u>IV. Over 1000 pounds</u>   | <u>\$1500.00.</u> |

22

23 The generator shall indicate on the registration form the name of  
24 every transporter retained by the generator to collect the  
25 generator's regulated medical waste.

26 (cf: P.L.1989, c.34, s.7)

27 2. This act shall take effect immediately.

28

29

STATEMENT

30

31 This bill would impose limitations on the dollar amounts the  
32 Department of Environmental Protection may charge and collect  
33 from medical waste generators in annual registration fees.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 The DEP is proposing to assess new fees for generators of  
2 regulated medical waste. These fees will be used to support the  
3 department's administrative responsibilities under the  
4 "Comprehensive Regulated Medical Waste Management Act,"  
5 P.L.1989, c.34 (C.13:1E-48.1 et seq.), notably generator  
6 registration and regulatory compliance monitoring. Upon the  
7 certification of imminent peril by the Governor, the rules and  
8 regulations governing the implementation of P.L.1989, c.34,  
9 including fee schedules for all generators, transporters and  
10 disposers of regulated medical waste, were adopted by the DEP  
11 on an emergency basis on June 23, 1989.

12 Under the provisions of P.L.1989, c.34, the department is  
13 required to set annual fees based upon the volume of the  
14 regulated medical waste produced by the generator. However, the  
15 emergency rules adopted by DEP provide for an inadequate  
16 differential between the fee paid by small quantity generators  
17 (less than 100 lbs. per year) and those generators producing in  
18 excess of 1,000 lbs. per year. This bill would divide medical waste  
19 generators into four categories and base the fees on a per volume  
20 basis, as the act intended.

21

22

## 23 ENVIRONMENT

24

### Solid Waste

25

26 Imposes limitations on the annual fees the DEP may charge and  
27 collect from medical waste generators.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 3867

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 1989

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The Senate Energy and Environment Committee favorably reports Senate Bill No. 3867 with Senate Committee amendments.

This bill, as amended, would impose limitations on the dollar amounts the Department of Environmental Protection may charge and collect from medical waste generators in annual registration fees. These fees are used to support the department's administrative responsibilities under the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), notably generator registration and regulatory compliance monitoring. Under the provisions of P.L.1989, c.34, the department is required to set annual fees based upon the volume of the regulated medical waste produced by the generator. This bill would divide medical waste generators into five categories and base the fees on a per volume basis, as follows:

<u>I. Under 50 pounds per year</u>	<u>\$100.00.</u>
<u>II. 50 - 200 pounds per year</u>	<u>\$300.00.</u>
<u>III. Over 200 - 300 pounds per year</u>	<u>\$500.00.</u>
<u>IV. Over 300 - 1000 pounds per year</u>	<u>\$1,000.00.</u>
<u>V. Over 1000 pounds per year</u>	<u>\$3,500.00.</u>

In addition this bill, as amended, would require the Commissioner of Health to establish an appeal process under which any hospital may petition the Hospital Rate Setting Commission for reimbursement of the costs incurred in complying with the medical waste program, including the annual fee. Also, this bill would require the Department of Environmental Protection to reimburse each generator of medical waste the difference between the amount of fees assessed pursuant to this bill and the amount assessed by the Department under the current fee setting schedule.